

EXHIBIT B

1 VOLUME II

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF MARYLAND

4 JAWONE D. NICHOLSON

5 Plaintiff

6 vs. Case No.:

7 STATE OF MARYLAND, et al. 1:20-cv-03146 DKC

8 Defendants

9 _____ /

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11 VOLUME II

12 The continued deposition of DAMOND DURANT

13 was held remotely via Zoom videoconference on Thursday,

14 June 30, 2022, commencing at 9:23 a.m., before

15 Susan M. Liebrecht, Notary Public.

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20 STENOGRAPHICALLY REPORTED BY:

21 Susan M. Liebrecht, RPR

	<p>1 APPEARANCES:</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFF:</p> <p>4 CARY J. HANSEL, ESQUIRE</p> <p>5 Hansel Law, P.C.</p> <p>6 2514 North Charles Street</p> <p>7 Baltimore, Maryland 21218</p> <p>8 Telephone: 301-461-1040</p> <p>9 Email: cary@hanselllaw.com</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANTS:</p> <p>12 STUART R. GOLDBERG, ESQUIRE</p> <p>13 Baker Donelson, P.C.</p> <p>14 100 Light Street, 19th Floor</p> <p>15 Baltimore, Maryland 21202</p> <p>16 Telephone: 410-685-1120</p> <p>17 Email: sgoldberg@bakerdonelson.com</p> <p>18</p> <p>19</p> <p>20 ALSO PRESENT: Monica A. Carranza, Esquire</p> <p>21</p>	<p>Page 171</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 DAMOND DURANT,</p> <p>4 called as a witness, having been first duly sworn to</p> <p>5 tell the truth, the whole truth, and nothing but the</p> <p>6 truth, was examined and testified as follows:</p> <p>7 EXAMINATION BY MR. HANSEL:</p> <p>8 Q Officer, thank you for your time here</p> <p>9 today. My goal is going to be efficiently use our time</p> <p>10 here together to the greatest extent possible.</p> <p>11 Let me step back into our questioning a</p> <p>12 little bit and ask you when the police ran the firearm</p> <p>13 that you had on you that day, it was reported back that</p> <p>14 there was no information on an owner. I say that</p> <p>15 because I've heard the radio communications.</p> <p>16 Were you the purchaser of that firearm?</p> <p>17 A Yes, sir.</p> <p>18 Q And where did you live when you purchased</p> <p>19 it? What state? That's all I need.</p> <p>20 A Maryland.</p> <p>21 Q And how recently had you purchased it as of</p>	<p>Page 173</p> <p>Page 172</p> <p>Page 174</p>

	Page 175		Page 177
1	Q Say again?	1	A CIT.
2	A Worth-A-Shot.	2	Q Okay. And where was that physically in the
3	Q Worth-A-Shot, got it.	3	City?
4	And where are they located?	4	A 3500 Northern Parkway.
5	A Like, Glen Burnie.	5	Q All right. And were you and Sgt. Smith
6	Q Okay. Do you have any idea why it didn't	6	close?
7	come back as registered to anybody when they ran it?	7	A What do you mean close?
8	A No, sir.	8	Q Were you friendly?
9	Q Okay. All right. Stepping back into the	9	A I mean, he was my sergeant. We get along.
10	events of the day, I think you described your	10	Q Okay. Did you ever see each other outside
11	interaction with the young men that were there and	11	of work?
12	their family members who showed up and the police	12	A We didn't hang out, if that's what you're
13	officers.	13	asking. Like, I go over his house, he go over my house
14	Tell me what happened when those	14	and we hang out, no.
15	interactions were over. What did you do next?	15	Q Has he ever been to your house?
16	A I went home.	16	A No.
17	Q Okay. And when you say you went home, you	17	Q Have you ever been to his house?
18	were already near your house. You went into your	18	A No.
19	house? Is that what you mean?	19	Q Okay. Have you ever seen him outside of
20	A Yes.	20	work?
21	Q And what did you do the rest of the day?	21	A At a bull roast once.
	Page 176		Page 178
1	A I kind of worried about the situation.	1	Q Okay. Anywhere else?
2	Q Okay. Why?	2	A I don't remember any other activity.
3	A Worried about my vehicle, worried about	3	Q Alright. Tell me about the bull roast.
4	just anything that might happen after this.	4	A It was a bull roast. What are you -- it
5	Q Okay. And tell me what thoughts came to	5	was a bull roast. Like, you get together.
6	your mind when you say you were worried about things	6	Q Who put it on?
7	that might happen after.	7	A It was a departmental bull roast.
8	A Something being done to my vehicle.	8	Q Okay. And how many people were there,
9	Q Okay. Go ahead.	9	approximately?
10	A Knowing where I live at. Just kept	10	A I couldn't tell you. It was a lot of
11	thinking. Couldn't sleep. Just kept replaying,	11	people.
12	thinking, thinking, thinking, thinking something might	12	Q And tell me what your conversation was with
13	happen.	13	Sgt. Smith. What did you discuss?
14	Q All right. And did you call your	14	A I really don't remember.
15	department to report these events?	15	Q Well, you said you were worried. Did you
16	A I think I did.	16	have him send any officers?
17	Q Who did you speak with?	17	A Say it again?
18	A My sergeant at the time was Sgt. Thomas	18	Q Did you ask that he send any officers?
19	Smith.	19	A To send someone?
20	Q And where was Sgt. Thomas Smith stationed	20	MR. GOLDBERG: Objection to form, but you
21	or assigned?	21	can answer.

<p>1 Q Yeah, did you ask that he send any police?</p> <p>2 A No. No. Well, that day or at the bull</p> <p>3 roast?</p> <p>4 Q The day you called him, I'm sorry. The day</p> <p>5 of the event you went to your house and you called</p> <p>6 Sgt. Thomas Smith, right?</p> <p>7 A No, I didn't ask him to send police.</p> <p>8 Q Did you tell him you needed any help or</p> <p>9 assistance of any kind?</p> <p>10 A I don't remember saying I needed help.</p> <p>11 Q Okay. Or assistance of any kind?</p> <p>12 A I don't remember asking for any help, no.</p> <p>13 Q Did he say he was going to send out any</p> <p>14 investigators to look into the incident?</p> <p>15 A I don't remember that.</p> <p>16 Q Did he tell you he was going to open a case</p> <p>17 with Internal Affairs?</p> <p>18 A No.</p> <p>19 Q Did he tell you to file any type of report?</p> <p>20 Like a use of force report or anything like that?</p> <p>21 A No.</p>	<p>Page 179</p> <p>1 point it and it was still in the holster.</p> <p>2 Q When you drew it out of the pocket it was</p> <p>3 in front of you, right?</p> <p>4 A The pocket?</p> <p>5 Q The gun and the pocket were in front of you</p> <p>6 when you drew it?</p> <p>7 A It was in my front pocket.</p> <p>8 Q Okay. And therefore at the moment the gun</p> <p>9 cleared the pocket the gun was in front of you, right?</p> <p>10 A The gun was in my front pocket. Never</p> <p>11 pointed it. Held it down by my side behind me.</p> <p>12 Q Okay. So when it first cleared your pocket</p> <p>13 it would have been in front of your body, right?</p> <p>14 MR. GOLDBERG: Objection. Asked and</p> <p>15 answered, but you can answer.</p> <p>16 A Yeah, it was in the front pocket of my</p> <p>17 hoodie.</p> <p>18 Q And you're telling me you then put it all</p> <p>19 the way behind your back where the boys couldn't see it</p> <p>20 once it was back there?</p> <p>21 MR. GOLDBERG: Objection. Asked and</p>
<p>1 Q Okay. Did you ever fill out any type of</p> <p>2 report with your department? A use of force report or</p> <p>3 anything else?</p> <p>4 A No.</p> <p>5 Q Why not?</p> <p>6 A It wasn't a use of force.</p> <p>7 Q Isn't drawing your firearm and brandishing</p> <p>8 it, doesn't that ordinarily require a use of force</p> <p>9 report with the Baltimore City Police Department?</p> <p>10 MR. GOLDBERG: Objection to form. Calls</p> <p>11 for a legal conclusion. You can answer.</p> <p>12 A Pointing the weapon is the use of force.</p> <p>13 Q Okay. And you said you withdrew it and</p> <p>14 held it at the low ready. I think that's what you told</p> <p>15 the officer. Is that right?</p> <p>16 MR. GOLDBERG: Objection. Asked and</p> <p>17 answered. You can answer.</p> <p>18 THE WITNESS: Answer?</p> <p>19 MR. HANSEL: Please.</p> <p>20 MR. GOLDBERG: You can answer.</p> <p>21 A No, I had it behind my back. I did not</p>	<p>Page 180</p> <p>1 answered. You can answer.</p> <p>2 A I pulled it out of my pocket and it went</p> <p>3 straight to my side behind my leg.</p> <p>4 Q Okay. But you didn't put it behind your</p> <p>5 back. You say you put it down by your side by your</p> <p>6 leg. Is that right?</p> <p>7 MR. GOLDBERG: Objection. Form. Asked and</p> <p>8 answered. You can answer.</p> <p>9 A Pulled it out of my pocket, put it down by</p> <p>10 my side.</p> <p>11 Q Okay. All right. And you told me earlier</p> <p>12 you pulled it out so that they would, I think you said</p> <p>13 you wanted them to calm down or you were worried about</p> <p>14 them and you were trying to de-escalate, right?</p> <p>15 MR. GOLDBERG: Objection. Form. Asked and</p> <p>16 answered, but you can answer.</p> <p>17 A Yes.</p> <p>18 Q And that would only work if they saw the</p> <p>19 gun, right?</p> <p>20 MR. GOLDBERG: Objection. Calls for</p> <p>21 speculation, but you can answer.</p>

	Page 183		Page 185
1	A Yes.	1	Q And was he there at the house at the time?
2	Q Okay. And so when you pulled it out you	2	I can't remember if you said so or not before, I
3	intended for the young men to see the gun, right?	3	apologize.
4	A Yes.	4	A Yeah, he was home.
5	Q Okay. And we can deduce, using our powers	5	Q Okay. Tell me what you said to your
6	of observation and logic, that they did, in fact, see	6	father-in-law.
7	the gun because they were able to report to their	7	A The same thing about what happened.
8	mother that there was a gun involved and she was able	8	Q Okay. And what did he say to you?
9	to call the police about it, right?	9	A He asked me was I okay.
10	MR. GOLDBERG: Objection. Form. Asked and	10	Q Anything else?
11	answered. You can answer.	11	A Nothing really, no.
12	A She's the mother of both?	12	Q Did your wife, your father-in-law or
13	Q Sir, I'm sorry. Today is not your day to	13	Sgt. Smith ever tell you you shouldn't have drawn a
14	ask me questions. It's the other way around.	14	gun?
15	We can deduce that they saw the gun because	15	A No.
16	one or both of them told Erica Hamlet there was a gun	16	Q Did anybody with the Baltimore Police
17	and she called the police about it, right?	17	Department ever tell you you shouldn't have drawn your
18	MR. GOLDBERG: Objection. Form. Asked and	18	gun?
19	answered. Calls for speculation, but you can answer.	19	A No.
20	A Yes.	20	Q Have we now discussed everything that
21	Q So when you called Sgt. Smith, what did	21	happened that day related to this incident? The day of
	Page 184		Page 186
1	Sgt. Smith say about what happened?	1	the incident?
2	MR. GOLDBERG: Objection. Form. You can	2	A I think so.
3	answer.	3	Q Okay. Tell me what happened the next day
4	A I don't remember what he said.	4	in relation to this incident.
5	Q Okay.	5	MR. GOLDBERG: Objection to form, but you
6	A I guess he'll see me tomorrow. The next	6	can answer.
7	day.	7	A I went to work.
8	Q Anything else?	8	Q Okay. And tell me what happened at work in
9	A Not that I remember, no.	9	relation to this incident.
10	Q Other than Sgt. Smith did you discuss this	10	MR. GOLDBERG: Objection. Foundation and
11	encounter with anybody else?	11	form, but you can answer.
12	A At work?	12	A I'm not sure if that was the day that I
13	Q No, that day. I'm sorry. The day of the	13	received the complaint or I don't know if it was that
14	encounter, other than Sgt. Smith, did you discuss the	14	day or the day after.
15	event with anybody else?	15	Q All right. Was receiving the complaint the
16	A Wife.	16	next thing that happened after the day of the incident
17	Q Anybody else?	17	that was related to the incident?
18	A Maybe my father-in-law.	18	A Yeah, I received a complaint.
19	Q And tell me, what's your father-in-law's	19	Q Okay. And when did you -- tell me what
20	name?	20	kind of complaint you received. What was it?
21	A Maurice Bobbitt.	21	A I don't know what kind of complaint it was.

<p>1 It just said a complaint was filed against me and I 2 would have to see Internal.</p> <p>3 Q Okay. And who did you talk to about that?</p> <p>4 A It begin with an F. I can't remember the 5 officer's name. It begin with an F and I think he 6 retired. I'm not sure.</p> <p>7 Q And was he an Internal Affairs officer?</p> <p>8 A Yes.</p> <p>9 Q Or she? Was it a male?</p> <p>10 A It was a male.</p> <p>11 Q Okay. And what did that person say to you?</p> <p>12 A It's a complaint and that's all I remember.</p> <p>13 Q Okay. And did they say, don't worry about it, no big deal, don't sweat it. I'm sure you were concerned, right?</p> <p>14 Let's start there. You were concerned when you got the complaint, weren't you?</p> <p>15 MR. GOLDBERG: Objection. Form, foundation. You can answer.</p> <p>16 A I mean, any complaint you get concerned, 17 but I didn't do anything, so.</p>	<p>Page 187</p> <p>1 your lawyer to represent you in the peace order 2 proceeding. Is that right?</p> <p>3 A Yes.</p> <p>4 Q And do you recall who it was?</p> <p>5 A I forget his name.</p> <p>6 Q Can you describe him to me?</p> <p>7 A Black male, short, smaller guy.</p> <p>8 Q Okay. Was his name Chaz Ball?</p> <p>9 A Yes.</p> <p>10 Q It's a small world that we work in.</p> <p>11 So Mr. Ball went with you to the peace order hearing. Is that right?</p> <p>12 A Yes.</p> <p>13 Q Tell me what happened at the hearing. I'm not asking you what Mr. Ball said to you off the record, but on the record at the hearing, tell me what happened.</p> <p>14 A The end part or --</p> <p>15 Q The whole thing. Tell me, was there a judge there, were you there, was anybody there for Mr. Nicholson. Tell me exactly what happened. You</p>
<p>1 Q So to this day you think you didn't do anything wrong. Is that right?</p> <p>2 A Yes.</p> <p>3 Q Okay. And you stand by your actions the day you pulled the gun on these boys one hundred percent. Is that right?</p> <p>4 A Yes.</p> <p>5 Q Okay. And so you got a complaint. Tell me what happened next in relation to this incident.</p> <p>6 A What is that? They made a court date. The 7 peace order.</p> <p>8 Q Okay. How did you become aware of a peace order filing?</p> <p>9 A It comes in the mail.</p> <p>10 Q So you got something in the mail that said there was a peace order. Tell me about that.</p> <p>11 A Peace order. They send you a lawyer, call 12 a lawyer, and you go to court.</p> <p>13 Q Okay. Who was your lawyer?</p> <p>14 A Shoot. It was an FOP lawyer.</p> <p>15 Q So the Fraternal Order of Police paid for</p>	<p>Page 188</p> <p>1 went to a hearing. Tell me what happened.</p> <p>2 A There was a judge there, I was there, 3 Mr. Nicholson was there, his mom, his grandmother, my 4 wife. The FOP -- I mean, the Internal Affairs officer 5 was there.</p> <p>6 The judge was more concerned about her 7 having a miscarriage and what she made for dinner, 8 something she cooked, than what was going on.</p> <p>9 Q Who is her in that sentence? You said the judge --</p> <p>10 A The mother.</p> <p>11 Q I'm sorry?</p> <p>12 A The mother.</p> <p>13 Q Okay. How did the miscarriage come up?</p> <p>14 Tell me about that.</p> <p>15 A It was on her Facebook page she showed him.</p> <p>16 Q Okay. So you think the judge was concerned about dinner and a miscarriage. Tell me what happened next.</p> <p>17 A The ending? Because that went on -- oh, 18 he --</p>

<p>1 Q I want to understand, sir, your entire 2 recollection of the peace order hearing that you 3 attended in person. You said there was a judge there, 4 you described the attendees and you said the judge was 5 worried about Ms. Hamlet's miscarriage and what she had 6 for dinner.</p> <p>7 I'm imagining a lot more happened because 8 I've been to these proceedings and I know what the 9 issues are and there is a recording of this one.</p> <p>10 Have you heard the recording or seen the 11 transcript of this event of the peace order?</p> <p>12 A No, just the peace order that I got. I 13 didn't hear what happened in court.</p> <p>14 Q You were in court, weren't you, for a 15 hearing?</p> <p>16 A Yeah, you said did I hear the recording of 17 it. I didn't hear the recording.</p> <p>18 Q Okay. So now tell me what you saw and 19 heard when you were in court other than what we have 20 already discussed.</p> <p>21 A She got to ask me questions. She tried to</p>	Page 191	<p>1 Q Did you ever enter the grounds of 9105 2 Helaine Hamlet Way after the peace order was entered?</p> <p>3 A No.</p> <p>4 Q What about the yard?</p> <p>5 A No.</p> <p>6 Q Did you ever run or request to be run the 7 names of Erica Hamlet or her mother or Mr. Nicholson or 8 any of the participants of this day through any police 9 database?</p> <p>10 A No.</p> <p>11 Q Tell me, I see you're wearing a police 12 instructor shirt. Is that right? First of all, do I 13 have that right?</p> <p>14 A Yes, sir.</p> <p>15 Q I'm sorry?</p> <p>16 A Yes, sir.</p> <p>17 MR. HANSEL: Okay. All right. Give me 18 just a second. Let me pull something up I want to 19 share with you.</p> <p>20 Q Can you see the screen here that I've 21 attempted to share, sir?</p>	Page 193
<p>1 compare me to her son.</p> <p>2 Q Okay. Anything else?</p> <p>3 A Most of her questions weren't relevant or 4 wasn't good questions to me. And the judge ruled that 5 I was the aggressor for whatever reason.</p> <p>6 Q And you think the judge was wrong there?</p> <p>7 A I think the judge didn't take the time to 8 actually listen to the case. He wasn't concerned about 9 the case. Because if you looking at her Facebook, 10 looking at what she cooks and her miscarriage or 11 whatever, that has nothing to do with what happened. I 12 don't think he was really listening or into the case, 13 no.</p> <p>14 Q Do you recall anything else from that 15 hearing?</p> <p>16 A That's about what I can remember.</p> <p>17 Q After the peace order was issued did you 18 ever enter the common areas around 9105 Helaine Hamlet 19 Way?</p> <p>20 A No. What's the common area? The street 21 that runs pass it or -- never near the house.</p>	Page 192	<p>1 A Yes.</p> <p>2 Q And what I see here is a lesson plan about 3 Use of Force and Fair and Impartial Policing 4 Integration.</p> <p>5 Do you see that?</p> <p>6 A Uh-huh.</p> <p>7 Q Is that yes?</p> <p>8 A Yes.</p> <p>9 Q Okay. And it says here it was prepared by 10 a detective and Officer Diamond Durant.</p> <p>11 Do you see that?</p> <p>12 MR. GOLDBERG: Cary, was this produced in 13 discovery?</p> <p>14 MR. HANSEL: It's on the Internet. I don't 15 think it was requested in discovery.</p> <p>16 MR. GOLDBERG: Well, if it's a document 17 you're relying upon in a deposition proceeding it 18 certainly was and I would just object to the line of 19 questioning on the basis of a document that hasn't been 20 produced in discovery. It also is irrelevant whether 21 it's publicly available as the Federal Rules</p>	Page 194

<p>1 specifically require production of any materials that 2 you would rely upon if they're requested in discovery. 3 4 MR. HANSEL: I don't think you requested 5 it, but you've got your objection on the record and we 6 can figure that out later. I can certainly e-mail you 7 a copy or Officer Durant can provide it. He prepared 8 it. 9 BY MR. HANSEL: 10 Q Officer Durant, did you prepare this? 11 A Me and Officer Disimone? Yes. 12 Q And obviously you have seen this before? 13 A Yes. 14 Q Obviously you have a copy of it? 15 A I can get a copy. 16 Q Well, you prepared it. You had a copy at one point, didn't you? 17 MR. GOLDBERG: Objection. Form. Asked and answered. 18 A Yes. Yes. 19 Q When you say you can get a copy, you can go right on the website and look at it just like me,</p>	Page 195	<p>1 which isn't defined. So vagueness, as well, but you 2 can answer. 3 A Yes. 4 Q Okay. In other words, the police 5 department has you training other officers about fair 6 and impartial policing, correct? 7 MR. GOLDBERG: Objection. Form. You can 8 answer. 9 A Yes. 10 Q And, in fact, they have you training other 11 officers about the use of force and fair and impartial 12 policing, even during the pendency of this case, right? 13 Because I noticed that the date on this document is 14 June 17, 2021. Is that right? 15 A Yes. 16 Q Okay. What other things does the Baltimore 17 City Police Department have you training officers 18 about? 19 A I'm an in-service instructor. 20 Q So tell me all the things you train about. 21 A Policies, defense tactics.</p>	Page 197
<p>1 right? 2 A Yeah. 3 Q All right. So looking at your shirt, 4 looking at this lesson plan, am I right that the 5 Baltimore City Police Department has you training other 6 officers? 7 MR. GOLDBERG: Objection. Form. You can 8 answer. 9 A Yes. 10 Q And is one of the things the Baltimore City 11 Police Department has you training other officers about 12 the use of force? 13 A Yes. 14 Q And, in fact, not just the use of force, 15 but the Baltimore City Police Department has you 16 training other officers about fair and impartial police 17 policing. Is that right? 18 MR. GOLDBERG: Objection. Form. Also, 19 mischaracterization of the document if it's in 20 reference to the document as you, intentionally or 21 otherwise, left off the word policing integration,</p>	Page 196	<p>1 Q Okay. Under methods and techniques on this 2 training here that you authored, one of the things that 3 is discussed are attempts to de-escalate. 4 Do you see that? 5 A Yes. 6 Q Okay. So the Baltimore City Police 7 Department has you training other officers about how to 8 de-escalate situations. Is that right? 9 A Yes. 10 Q And do you think you're the right man for 11 that job? 12 MR. GOLDBERG: Objection. Form. 13 Argumentative, but you can answer. 14 A I think so. 15 Q And here, part of the training is that 16 force should only be used if it is necessary, 17 reasonable and proportional. 18 Do you see that? 19 A Yes. 20 Q Do you agree with that standard? That 21 force should only be used if it is necessary,</p>	Page 198

<p>1 reasonable and proportional?</p> <p>2 A Yes.</p> <p>3 Q Here on the fourth page, you wrote that</p> <p>4 students should attempt to deploy de-escalation,</p> <p>5 respond with a proportionate force option and may</p> <p>6 potentially withdraw their training pistol, point it at</p> <p>7 the subject, if justified, and give appropriate verbal</p> <p>8 commands.</p> <p>9 Do you see that?</p> <p>10 A I see it.</p> <p>11 Q Now, it says here, if justified. What</p> <p>12 would justify drawing your weapon?</p> <p>13 MR. GOLDBERG: Objection, but you can</p> <p>14 answer.</p> <p>15 A Several things. A lot of things would</p> <p>16 justify pointing a weapon.</p> <p>17 Q I asked about drawing. What types of --</p> <p>18 what categories of subject actions would justify</p> <p>19 drawing your weapon?</p> <p>20 MR. GOLDBERG: Objection. You can answer.</p> <p>21 A If the suspect has a gun, if it's being</p>	Page 199	<p>1 use of force and de-escalation and fair and impartial</p> <p>2 policing, you listed yourself here has a subject matter</p> <p>3 expert.</p> <p>4 Do you see that?</p> <p>5 A I see it.</p> <p>6 Q Do you believe that you are a subject</p> <p>7 matter expert in those areas?</p> <p>8 MR. GOLDBERG: Objection. Form, but you</p> <p>9 can answer.</p> <p>10 A Yes.</p> <p>11 Q So let's go back into the peace order</p> <p>12 hearing. Have you told me everything you recall about</p> <p>13 the peace order hearing? I think the answer was, yes,</p> <p>14 but have you told me everything you recall?</p> <p>15 A That I recall, yes.</p> <p>16 Q Okay. And the peace order was ultimately</p> <p>17 granted, right? You understood that?</p> <p>18 A Yes.</p> <p>19 Q And the judge found not only that you were</p> <p>20 the aggressor or threat, but that you might be in the</p> <p>21 future. Is that right?</p>	Page 201
<p>1 attacked, knife. Just the circumstances. It's a lot.</p> <p>2 If the person has some type of skill level. It's a lot</p> <p>3 of things.</p> <p>4 Q Neither of these young men had or drew a</p> <p>5 gun, correct?</p> <p>6 MR. GOLDBERG: Objection. Form. You can</p> <p>7 answer.</p> <p>8 A No.</p> <p>9 Q In other words, they did not draw a gun,</p> <p>10 did they?</p> <p>11 MR. GOLDBERG: Objection. Form. Asked and</p> <p>12 answered, but you can answer.</p> <p>13 A No.</p> <p>14 Q Okay. Neither of these young men drew a</p> <p>15 knife, did they?</p> <p>16 A No.</p> <p>17 Q Okay. You weren't aware that either of</p> <p>18 these young men had any special skills, karate or</p> <p>19 something like that, were you?</p> <p>20 A No, I couldn't tell.</p> <p>21 Q Now, in connection with this training about</p>	Page 200	<p>1 MR. GOLDBERG: Objection to form.</p> <p>2 Foundation. You can answer.</p> <p>3 A He just wanted me to stay away from them or</p> <p>4 we were to stay away from each other. I don't know if</p> <p>5 I was a future threat.</p> <p>6 Q And tell me when was the next time you saw</p> <p>7 them after the public hearing on the peace order?</p> <p>8 A With you on Zoom.</p> <p>9 Q And what was the occasion?</p> <p>10 A I think it was a hearing. Some type of</p> <p>11 hearing.</p> <p>12 Q What kind of hearing?</p> <p>13 A I'm not sure what the hearing was called.</p> <p>14 I guess it was -- I don't know what the hearing was</p> <p>15 called. But it was specific. I know it wasn't a</p> <p>16 deposition like this one, but it was -- I don't know</p> <p>17 what it was called.</p> <p>18 Q Was it a hearing in this case? Was it</p> <p>19 legislative testimony? What was it?</p> <p>20 A It was a hearing in this case.</p> <p>21 Q Okay. And do you recall what the subject</p>	Page 202

1 matter was? 2 A The situation. 3 Q Okay. Other than that have you ever seen 4 Jawone Nicholson since the peace order hearing? 5 A No. 6 Q Other than any Zoom hearings in this case 7 have you ever seen Erica Hamlet since the peace order 8 hearing? 9 A No. 10 Q After the peace order, what was your next 11 involvement in any issues arising out of this incident? 12 MR. GOLDBERG: Objection. Form, but you 13 can answer. 14 A This. 15 Q What do you mean this? 16 A This deposition now. 17 Q Okay. Nobody ever contacted or 18 communicated with you in connection with the incident 19 with Jawone Nicholson from the peace order hearing 20 until these couple of days of depositions. Is that 21 right?	Page 203	1 dealing with them. 2 Q I'm not asking about your dealings 3 specifically with Mr. Nicholson or Ms. Hamlet. I'm 4 saying arising out of that incident, did anything at 5 all happen between the peace order and the litigation 6 that we're here to talk about today? 7 MR. GOLDBERG: Objection to form, but you 8 can answer. 9 A The dismissal. 10 Q What do you mean the dismissal? 11 A The case was dismissed because it was 12 overdue or something like that. 13 Q When you say the case, what are you 14 referring to? 15 A The actions between me and Ms. Nichols 16 (sic). 17 Q Okay. Was there an Internal Affairs 18 complaint filed? You already said there was. 19 A Yes. 20 Q Okay. Did you give a statement to Internal 21 Affairs?	Page 205
1 A The lawyer said it was coming up. That was 2 about it. 3 MR. GOLDBERG: I would object on the basis 4 that obviously he's not asking about attorney/client 5 communications. 6 Q None of my questions are meant to elicit 7 what your lawyers told you. 8 Other than what we have already talked 9 about have we already discussed everything that 10 happened in connection with the incident with Jawone 11 Nicholson up to the lawsuit that we're here today to 12 talk about? 13 A This is the last thing, yeah. 14 Q But I'm not asking what the last thing was. 15 I'm starting at the peace order and I'm ending at the 16 events related to this lawsuit. 17 Did anything happen in between in 18 connection with your interaction with Jawone Nicholson? 19 MR. GOLDBERG: Objection to form. You can 20 answer. 21 A Me dealing with them? No, I have had no	Page 204	1 MR. GOLDBERG: Objection to form. Asked 2 and answered, but you can answer. 3 A Yes. I think I did, yeah. 4 Q Okay. It was a recorded statement? 5 A Yeah, they're pretty much all recorded, I 6 think. 7 Q And your lawyer was present with you? 8 A Yes. 9 Q Was that also Mr. Ball? The same man, Chaz 10 Ball, that was with you at the peace order hearing? 11 A No. 12 Q All right. Who was it that was with you at 13 the Internal Affairs hearing? 14 A I forget his name, but it wasn't Mr. Ball. 15 Q All right. Can you describe him to me? 16 Was he a white guy? 17 A Yes, white male. 18 Q All right. And so I'm going to take a shot 19 that his last name was Davey. Is that right? 20 A I think it was Mr. Davey. I think it was 21 him.	Page 206

<p>1 Q All right. And who was it that interviewed 2 you for Internal Affairs? What officer? 3 A The same officer that was, I guess, heading 4 the case. 5 Q Okay. Between the time when the officer 6 told you that there had been a complaint and you'd need 7 to talk to Internal Affairs and the interview with that 8 officer, what else happened in connection with the 9 Internal Affairs complaint? 10 MR. GOLDBERG: Objection. Form, 11 foundation. And depending on the answer -- you can 12 answer. 13 MR. HANSEL: Don't tell me anything your 14 lawyer said. 15 MR. GOLDBERG: Thanks. 16 A What happened? 17 Q Yeah, sure. Were you asked to produce any 18 documents? Did anybody talk to you? Did you talk to 19 anybody or did you have to submit any reports? Was 20 your firearm examined? Did anybody come to your house? 21 Were there any photographs taken? Video, audio?</p>	Page 207	<p>1 Q Okay. You told me earlier it was 2 dismissed. That the Internal Affairs charges were 3 dismissed. Did you ever receive notice of the charges? 4 In other words, Internal Affairs interviews 5 you and then the ordinary process would include you 6 getting some notice that you might be charged and an 7 opportunity to have a trial board. Those types of 8 things. 9 Did you ever receive any notice of those 10 charges? 11 A Yeah, I received that letter. 12 Q Okay. You got a letter and it said you 13 were being charged with violations of the Department's 14 rules. Is that right? 15 MR. GOLDBERG: Objection to form and 16 foundation, but you can answer. 17 A I don't remember verbatim what it said. 18 But I received a letter saying that I would have to -- 19 I can refer to my lawyer or that, but I know I was 20 charged. I found out later that I was charged with not 21 saying that I was a police, but I did. So I don't know</p>	Page 209
<p>1 What happened in between the time the man 2 told you that you were going to be interviewed and when 3 you were actually interviewed in connection with the 4 Internal Affairs event? 5 A Nothing. 6 Q Okay. And how close to the incident were 7 you interviewed? Days, weeks, months? How close? 8 A I would say weeks. A week, I think. 9 Q So a week to, let's say, three weeks? Is 10 that fair? 11 A That's fair. 12 Q Okay. And so let's say clearly within a 13 month of the incident you had given your Internal 14 Affairs interview. Is that right? 15 A Yes. 16 Q What did you next hear from Internal 17 Affairs? You gave your interview within a month. You 18 said you didn't hear anything from when they first 19 talked to you until the interview. 20 What did you hear after the interview? 21 A Nothing, pretty much.</p>	Page 208	<p>1 where that charge come from. 2 Q All right. Other than not identifying 3 yourself were there any other charges against you? 4 A Yes, that's the one that I remember. 5 Q So you don't remember any other charges 6 other than failure to identify. Is that right? 7 A That's the one that I remember because I 8 didn't agree with it. 9 Q Okay. And you obviously got that charge 10 sometime before it was dismissed, right? That's kind 11 of obvious. There had to be something to dismiss; is 12 that correct? 13 A I really wasn't kept up to date with it. I 14 found out stuff on my own. The dismissal I found out 15 on my own. I wasn't really given any information about 16 that. I found out that that was a case that was 17 dismissed. 18 Q All right. But the charges, themselves, 19 this is obvious, but I'm just trying to establish the 20 timeline, you were charged before it was dismissed, 21 right? Had to be. See my point?</p>	Page 210

	Page 211		Page 213
1	A Yes.	1	A C.
2	Q Okay. And how did you -- when you were	2	Q And is the unit he's with the CIT Unit at
3	charged, other than your lawyer or anybody from your	3	the address you gave earlier?
4	lawyer's office, who did you discuss those charges	4	A Yes.
5	with?	5	Q Okay. Who else did you discuss with
6	A I didn't discuss them with nobody.	6	charges with?
7	Q Well, we know that's not right. You	7	A That would be it or Sgt. Smith.
8	discussed them with Internal Affairs, didn't you?	8	Q Okay. Tell me what you said to Sgt. Smith.
9	MR. GOLDBERG: Objection. Form. You can	9	A Same thing I said to Constantino.
10	answer.	10	Q Anything else?
11	A I guess they would have to send me the	11	A Not that I remember.
12	letter and notify me of the charges.	12	Q Other than your attorneys did you discuss
13	Q Sure. And you didn't talk to your sergeant	13	the charges with anybody else other than what we have
14	or your captain or anybody from Internal Affairs at all	14	already talked about?
15	about the charges?	15	A Not that I remember.
16	A I don't remember. I don't remember.	16	Q Okay. Did you do anything to investigate,
17	Q Did you talk to any fellow officers about	17	get witnesses, check for Ring doorbell cameras or
18	the charges?	18	anything else to gather evidence related to the
19	A Being as though that I got them or what do	19	incident?
20	you mean?	20	A No.
21	Q Anything at all about them after you	21	Q Other than -- and you said you learned the
	Page 212		Page 214
1	received them.	1	case was dismissed on your own. How did you learn
2	A I guess I talked to a couple people saying	2	that?
3	this is what they charged me with and that was about	3	A How did I figure that out?
4	it.	4	Q It was in the Baltimore Sun. Did you
5	Q So who did you talk to about that?	5	happen to read it there?
6	A Probably who I was working with. Probably.	6	A No, I didn't read the paper. I think it
7	I would assume I did.	7	was word of mouth, but I forgot who I talked to.
8	Q Okay. And when you say who you were	8	Q Okay. Did you ever get any documentation
9	working with, tell me who that is.	9	confirming that it was dismissed? Anything like that?
10	A Officer Constantino.	10	A No. I don't remember that. Just heard.
11	Q And what is Officer Constantino's full	11	Q Okay. What was your understanding of why
12	name?	12	the case was dismissed?
13	A What is his first name? I forget his first	13	A Time.
14	name. We call each other by last name a lot.	14	Q Okay. In other words, the Department had
15	Q Okay. And is that a male or a female? I	15	waited too long to issue the charges more than the
16	take it a male by that, but I want to confirm.	16	one-year limitation? Was that your understanding?
17	A Male.	17	A Yes.
18	Q Okay. And is Officer Constantino still	18	Q Do you know why they waited so long?
19	employed?	19	A I didn't have anything to do with that.
20	A Yes, he's still at the same unit.	20	Don't know.
21	Q Is Constantino with a C or a K?	21	Q In other words, you've told me that you

<p>1 were interviewed within a week. I can tell you that 2 Ms. Hamlet was pretty, as you might imagine from your 3 interactions with her, pretty eager to follow up, as 4 well, provided everything that was asked of her in a 5 timely manner. 6 Do you have any knowledge of at all as to 7 why the Department waited until after the deadline to 8 charge you? 9 MR. GOLDBERG: Objection. Form. Asked and 10 answered. You can answer. 11 A No. 12 Q This one-year deadline is pretty common 13 knowledge in the Department, right? 14 MR. GOLDBERG: Objection. Form. Calls for 15 speculation. You can answer. 16 A I would assume. 17 Q Yeah. And in particular, in Internal 18 Affairs, I mean, they're aware of it as far as you 19 know. Is that right? 20 MR. GOLDBERG: Objection. Form. You can 21 answer.</p>	Page 215	<p>1 going to make sure this went away? Anything like that? 2 MR. GOLDBERG: Objection. Form. Asked and 3 answered. You can answer. 4 A No. 5 Q Other than -- and the one officer, tell me 6 again, you had to guess at least at the officer's name, 7 tell me again what the name was that had the case for 8 Internal Affairs? 9 MR. GOLDBERG: Objection. Form. Asked and 10 answered. You can answer. 11 A It begin with an F. I guess it's a Spanish name. It begin with an F. 12 Q Okay. Then, not out of disrespect, but 13 simply because it's all I have, I'm going to refer to 14 him as Officer F. Officer F was a male. Is that 15 right? 16 A Yes. 17 Q And Officer F was, it sounds like, of 18 Spanish extraction, is that right, to your eye? 19 MR. GOLDBERG: Objection. Form, but you 20 can answer.</p>
<p>1 A They should be. 2 Q Yeah. Did anybody ever explain to you why 3 they waited? 4 MR. GOLDBERG: Objection. Form. Asked and 5 answered. You can answer. 6 A No. 7 Q Did you ever ask anybody to wait or ask 8 anybody to drop the charges or tell anybody they should 9 be dropped or abandoned with the Department? 10 MR. GOLDBERG: Objection. Form. Asked and 11 answered. You can answer. 12 A No. 13 Q Why not? If you didn't agree with the 14 charges and if today you stand a hundred percent by 15 everything you did, why didn't you ask the charges be 16 dropped or abandoned or the like? 17 MR. GOLDBERG: Objection. Form. You can 18 answer. 19 A It's their investigation. I just didn't. 20 Q All right. Did anybody ever tell you they 21 were looking out for you, going to take care of you,</p>	Page 216	<p>1 A Yeah. 2 Q And did he have a Spanish or Hispanic 3 sounding name? 4 A Yeah, I thought it was Spanish, though. 5 Q Okay. I'm asking because I'm trying to 6 narrow down who it might be. 7 When you say Spanish, do you mean folks who 8 come from somewhere south of Texas or are you telling 9 me you thought the man was from Spain, the country? 10 MR. GOLDBERG: Objection. Form. 11 Relevance. You can answer. 12 A Spanish as in, I guess -- I don't know where he's from, but Spanish meaning Latino, I guess. 13 Q Okay. That's fine. That was the 14 distinction I was looking for. He's probably from 15 Baltimore, right, given that he works for the 16 Department. 17 Does that person still work for the 18 Department? 19 A I'm not sure. I thought he retired. I'm not sure.</p>

	Page 219		Page 221
1	Q Okay. Do you know if that person was	1	you declined to comment. That phone call would have
2	facing any discipline or other issues when Officer F	2	been probably on June 16th or 17th, somewhere in
3	retired?	3	that range, of 2019.
4	A No, I don't know.	4	And, you know, who knows. I'm just reading
5	Q Other than Officer F did you ever have any	5	it from the paper. You know, I haven't -- it's not
6	communication with anybody else in Internal Affairs	6	like I have a recording of it or anything, but is that
7	related to these incidents?	7	how you found out that the court had ruled to dismiss
8	MR. GOLDBERG: Objection. Form. Asked and	8	the charges because of the one-year limitation when the
9	answered. You can answer.	9	Baltimore Sun called you?
10	A No, just Officer F.	10	A No, I did not speak to them.
11	Q Okay. Was there an Internal Affairs	11	Q Okay. Well, it says you declined to
12	complaint against you in connection with the lawsuit	12	comment. Did you get a call from them, if you recall?
13	that the City settled where you broke somebody's jaw?	13	A Yeah, they called and I just had nothing to
14	Did that give rise to an Internal Affairs complaint?	14	say.
15	A Can you -- did that have an Internal	15	Q All right. But I'm just wondering. Did
16	Affairs complaint?	16	they say something like, you know, we're calling for
17	Q Yes, sir.	17	comment because the charges were dismissed?
18	A Yes.	18	In other words, let me ask you this. By
19	Q And what was the outcome of the Internal	19	the time they called did you already know what the
20	Affairs complaint in that other case?	20	outcome was of that hearing?
21	A Departmental or?	21	A I don't remember the time between the call
	Page 220		Page 222
1	Q Well, so there was a lawsuit. That was	1	and -- I don't know if it was after or before. I don't
2	settled in 2014. The City agreed to pay about \$55,000.	2	know.
3	I'm asking about the outcome of the	3	Q And certainly by the time you hung up with
4	Internal Affairs complaint which is separate from the	4	the Baltimore Sun, on or before, because their article
5	lawsuit.	5	ran on -- hang on, I'll get you a date. Their article
6	A I didn't receive any punishment or	6	ran in June of 2019. It looks like June 17th. On or
7	reprimand from that.	7	before the article in the Baltimore Sun you knew about
8	Q Okay. But were there any violations found?	8	it because you either learned about it when the Sun
9	MR. GOLDBERG: Objection. Form. Asked and	9	called you or you learned about it prior. Is that
10	answered.	10	fair?
11	A I didn't receive any reprimands from that,	11	MR. GOLDBERG: Objection. Form. Asked and
12	so.	12	answered, but you can answer.
13	Q But do you know whether any violations were	13	A It could be fair, yes.
14	found? So, for instance, it might have been found that	14	Q When you were sued for breaking the man's
15	you violated the rules, but there was a decision not to	15	jaw, who represented you? Was it a FOP lawyer or a
16	reprimand you.	16	lawyer for the City? Do you recall?
17	A Oh, I don't know about that part.	17	A I assume it was an FOP lawyer.
18	Q Okay. The Baltimore Sun, when the charges	18	Q But you didn't pay for your lawyer then,
19	were dismissed in June of 2019, the Internal Affairs	19	did you?
20	charges in this case, when the court threw them out,	20	MR. GOLDBERG: Objection. Form. Asked and
21	the Baltimore Sun reported that they telephoned you and	21	answered.

	Page 223		Page 225
1	Q You were provided a lawyer. Is that right?	1	100,000; is that correct?
2	A Yes.	2	A If that's what they had.
3	Q All right. And the same question for this	3	Q Okay. But you don't dispute that. In
4	case. You were provided a lawyer for this case, as	4	other words, that in 2021, and, in fact, in 2020, you
5	well. Is that right?	5	made over \$100,000 from the Baltimore City Police
6	MR. GOLDBERG: Objection. Form.	6	Department, correct?
7	Relevance. You can answer.	7	MR. GOLDBERG: Objection to relevancy, but
8	A Yes.	8	you can answer.
9	Q Okay. And tell me what social media you	9	A Yes.
10	have.	10	Q All right. And what do you call your -- do
11	MR. GOLDBERG: Objection. Form.	11	you like the term sequence number or badge number or ID
12	Foundation. You can answer.	12	number? What do you call your number that's assigned
13	A Just Facebook.	13	by the Department?
14	Q What about Twitter?	14	A I have both.
15	MR. GOLDBERG: Objection. Form. Asked and	15	Q Okay. What's your sequence number?
16	answered. You can answer.	16	A Henry, meaning H, 167.
17	A No.	17	Q And what's your ID number or badge number,
18	Q And what about Instagram? Do you have an	18	whatever you call it?
19	Instagram account?	19	A Badge number is 3511.
20	MR. GOLDBERG: Objection. Form. Asked and	20	Q 3-5-1-1. Is that right?
21	answered. You can answer.	21	A Yep.
	Page 224		Page 226
1	A No.	1	Q Okay. Other than the nicknames we talked
2	Q What about LinkedIn? Are you on LinkedIn?	2	about previously, have you ever been known by any other
3	MR. GOLDBERG: Objection. Form. Asked and	3	names other than Damond T. Durant?
4	answered. You can answer.	4	MR. GOLDBERG: Objection. Form. Asked and
5	A No.	5	answered. You can answer.
6	Q You're obviously paid by Baltimore City.	6	A Yeah, you asked me that the first day if I
7	Is that right?	7	had nicknames.
8	A Yes.	8	Q I said other than those. Have you ever
9	Q And you're aware, of course, that your	9	been known by any other names?
10	salary is public as a police officer? You're a public	10	A No, sir.
11	employee, in other words?	11	Q Let's talk about other lawsuits.
12	A Yes.	12	Have you ever been a party to another
13	Q So there is a website called BPD Watch that	13	lawsuit?
14	had your salary in 2021 as north of 90,000; is that	14	A Party to another lawsuit?
15	correct?	15	Q Yeah.
16	MR. GOLDBERG: Objection. Relevance, but	16	A My son.
17	you can answer.	17	Q I'm sorry, your son?
18	A Yes.	18	A Yes.
19	Q And they had your overtime in 2021 as north	19	Q Tell me about your son.
20	of 16,000, such that your total pay was over, they have	20	A He's my son.
21	it as, 107 and change, but let's call it over a	21	Q You said you have been a party to a lawsuit

<p>1 with him. Is that right?</p> <p>2 A Yes.</p> <p>3 Q Okay. Tell me about that lawsuit. What</p> <p>4 did it involve?</p> <p>5 A Money.</p> <p>6 Q And what were the facts? Who sued who?</p> <p>7 Let's start there. Did you sue or did your son sue?</p> <p>8 MR. GOLDBERG: Objection to relevancy, but</p> <p>9 you can answer.</p> <p>10 A Son sued me.</p> <p>11 Q Okay. About what?</p> <p>12 A Money.</p> <p>13 Q Why did your son sue you for money? What</p> <p>14 was his claim?</p> <p>15 MR. GOLDBERG: Same objection.</p> <p>16 A Inheritance.</p> <p>17 Q Okay. And you're still alive. Where did</p> <p>18 the inheritance come from? What was at issue?</p> <p>19 MR. GOLDBERG: Same objection.</p> <p>20 A His grandmother.</p> <p>21 Q So your mother passed away and there was a</p>	Page 227	<p>1 Q Okay. And how did that case resolve?</p> <p>2 MR. GOLDBERG: Same objection.</p> <p>3 A He was awarded money.</p> <p>4 Q Okay. How much?</p> <p>5 MR. GOLDBERG: Same objection.</p> <p>6 A 300,000.</p> <p>7 Q So the courts determined that you had taken</p> <p>8 \$300,000 that was due to your son from his maternal</p> <p>9 grandmother. Is that right?</p> <p>10 MR. GOLDBERG: Same objection.</p> <p>11 A No, they awarded him. That wasn't the</p> <p>12 original amount from the money left to him. That was</p> <p>13 not the amount.</p> <p>14 Q Okay. The award was against you, right?</p> <p>15 MR. GOLDBERG: Same objection.</p> <p>16 A Yeah, he got money.</p> <p>17 Q Okay. Did you say, yes, the award was</p> <p>18 against you?</p> <p>19 A Yes.</p> <p>20 Q Okay. And the award was in the amount of</p> <p>21 300,000, roughly. Is that right? Or was that exact?</p>	Page 229
<p>1 dispute between you and your son over inheritance; is</p> <p>2 that correct?</p> <p>3 MR. GOLDBERG: Same objection.</p> <p>4 A No, his mother's mother. Not my mother.</p> <p>5 Q Oh, I apologize. His maternal grandmother.</p> <p>6 Okay, got it.</p> <p>7 And is his mother still with us?</p> <p>8 A No.</p> <p>9 Q Okay. So when his mother's mother died did</p> <p>10 she have a will?</p> <p>11 MR. GOLDBERG: Objection. Relevance. You</p> <p>12 can answer.</p> <p>13 A I think so, yeah.</p> <p>14 Q Okay. And how did he come to sue you over</p> <p>15 an inheritance? Tell me what happened.</p> <p>16 MR. GOLDBERG: Same objection.</p> <p>17 A He didn't think he got his money.</p> <p>18 Q All right. And did you sue him back? Was</p> <p>19 there a countersuit?</p> <p>20 MR. GOLDBERG: Same objection.</p> <p>21 A No.</p>	Page 228	<p>1 A Roughly.</p> <p>2 Q And it was money that you had taken from</p> <p>3 the estate. Is that right?</p> <p>4 MR. GOLDBERG: Objection. Relevance. You</p> <p>5 can answer.</p> <p>6 A No, I didn't take \$300,000 from him.</p> <p>7 Q No, sir. From the estate. You got money</p> <p>8 from the estate and the court later determined it was</p> <p>9 due to your son, correct?</p> <p>10 MR. GOLDBERG: Objection. Form.</p> <p>11 Foundation. Relevance. You can answer.</p> <p>12 A I'm not sure if you saying \$300,000 from</p> <p>13 him or --</p> <p>14 Q You keep saying from him. You got money</p> <p>15 from the estate of your wife's mother. Is that right?</p> <p>16 MR. GOLDBERG: Objection. Form. Asked and</p> <p>17 answered. You can answer.</p> <p>18 A No, I'm only married now. I've only been</p> <p>19 married once.</p> <p>20 Q I'm sorry, that was from your son's mother?</p> <p>21 MR. GOLDBERG: Same objection.</p>	Page 230

	Page 231		Page 233
1	A Yes.	1	him. It didn't get to go to court. I don't know
2	Q And the court determined that money should	2	exactly, but they awarded him that money. I didn't get
3	have gone to your son, right?	3	to go to court. I didn't go to court, so I didn't hear
4	MR. GOLDBERG: Same objection.	4	or they didn't hear my side or any other but his side.
5	A I don't know what the court determined	5	Q Well, you had a lawyer in the case, right?
6	because I never got a chance to go to court.	6	MR. GOLDBERG: Objection. Form. You can
7	Q Well, you told me that there was a judgment	7	answer.
8	awarded against you in favor of your son for 300,000,	8	A No, sir.
9	right?	9	Q All right. And did you file any papers in
10	A Yes.	10	the case?
11	MR. GOLDBERG: Objection. Form, and I	11	MR. GOLDBERG: Objection. Form. You can
12	don't think that he's testified that it was against	12	answer.
13	him. I think he's actually specifically rebuffed that	13	A No, sir.
14	part of your question each time.	14	Q All right. And so back to my original
15	MR. HANSEL: I don't think so.	15	question. I'm just trying to understand how this
16	Q The award was against you, right?	16	happened.
17	A Meaning, they taking money from me?	17	How did you get money from the estate of
18	Q Where did the money come from -- did your	18	your son's mother? How did you get the money to begin
19	son get money out of the lawsuit? Did money go to your	19	with?
20	son?	20	MR. GOLDBERG: Objection to relevancy, but
21	A He's getting money.	21	you can answer.
	Page 232		Page 234
1	Q Okay. And it's this approximate 300,000	1	A He was a minor.
2	that we're talking about. Is that right?	2	Q What's your son's birth date?
3	A Yes.	3	MR. GOLDBERG: Objection. Form.
4	Q Okay. Where is the money coming from that	4	Relevancy. And I'm not necessarily directing my client
5	he's getting?	5	not to answer, but if he doesn't want -- I would
6	A My check.	6	understand if he doesn't want to put his son's birth
7	Q Right. So the money is coming from you to	7	date on the record.
8	your son, right?	8	MR. HANSEL: What year was your son born?
9	A Yes.	9	MR. GOLDBERG: Thank you.
10	Q Okay. And you got the money from the	10	A When was he born. I know, I sound like a
11	estate of your son's mother. Is that right?	11	bad father. I'm getting his birthday mixed with my
12	MR. GOLDBERG: Objection. Form. Asked and	12	birthday.
13	answered. You can answer.	13	Q Just give a year. What year was your son
14	A He received money from his grandmother, but	14	born?
15	he received his money from his grandmother.	15	A I think '90's.
16	Q I'm asking about the check you're supposed	16	Q Within the '90's? Do you know what year he
17	to write him. Why are you supposed to write him a	17	was born?
18	\$300,000 check to the best of your understanding?	18	A No.
19	MR. GOLDBERG: Objection to form. You can	19	Q Okay. Was it mid '90's, early 90's,
20	answer.	20	late '90's?
21	A The judge -- I guess the judge settled with	21	A Probably mid 90's.

	Page 235		Page 237
1	Q And when did his mother pass?	1	it in trust for your son and use it for his benefit?
2	A I don't know exactly about that.	2	A Yes.
3	Q What year?	3	Q Okay. And then when he turned 18 you
4	A Don't remember.	4	refused to give him the money. Is that right?
5	Q Okay. So even if your son was born in '99,	5	A No.
6	ten years after '99 would have been '09, another eight	6	Q So when he turned 18 you handed it over?
7	years would have been 2017. So even if he was born	7	A No, he was going through the money.
8	in '99 you agree with me he would have been 18 by the	8	Q He was what?
9	year 2017, right?	9	A Going through the money.
10	MR. GOLDBERG: Objection to relevance, but	10	Q No, sir. When he turned 18 did you give
11	you can answer.	11	him the money or did you keep it?
12	A Yes.	12	A No, I didn't keep it. I gave him money.
13	Q Is that right?	13	Q All of it. Not money, not some money.
14	MR. GOLDBERG: Same objection.	14	When he turned 18 did you give him all of this money or
15	A Yes, okay.	15	not?
16	Q So we can agree that your son was not a	16	A No, because he was using the money during
17	minor as of 2017. Is that correct, sir?	17	the time and we fought about it all the way up until --
18	MR. GOLDBERG: Same objection. You can	18	Q Whose account was it in on his 18th
19	answer.	19	birthday?
20	A The reason why they gave the money to me, because he was a minor. That's what I remember.	20	A Mine.
21		21	Q Okay. Whose account was it in on his
	Page 236		Page 238
1	Q And who gave you this money?	1	19th birthday?
2	MR. GOLDBERG: Same objection. You can	2	A Mine.
3	answer.	3	Q Okay. And it's still in your account,
4	A The lawyer.	4	right?
5	Q What lawyer?	5	A What do you mean?
6	A I guess her --	6	Q The money. Have you given him the 300,000?
7	MR. GOLDBERG: Same objection. Cary, would	7	A No, that's coming out of my check.
8	are you grant me a continuing relevancy objection as to	8	Q Right. And it's coming out of your check
9	this entire line of questioning?	9	because he has to collect it that way because you spent
10	MR. HANSEL: Sure, no problem.	10	the money. Isn't that right?
11	MR. GOLDBERG: Thanks.	11	A No.
12	THE WITNESS: I'm ready.	12	Q Okay. So you still have the money sitting
13	Q Yeah. So who gave you the money?	13	around somewhere that you could give him, but you're
14	A Her lawyer, the grandmother's lawyer.	14	making him get it out of your check. Is that right?
15	Q Well, was she -- had she passed when you	15	A No.
16	got the money?	16	Q Well, explain that to me. Where is the
17	A Yeah, it was a will.	17	money?
18	Q Okay. So it was a lawyer for her estate,	18	A He spent it.
19	you think, gave you money?	19	Q Okay. How did he spend it if it was in
20	A Yes.	20	your account?
21	Q And did you understand you needed to keep	21	A It was his money. He would ask for money

<p>1 and I would give it to him.</p> <p>2 Q So you gave your son, while he was a minor, 3 a total of \$300,000?</p> <p>4 A No, that's not the original amount. No.</p> <p>5 Q What's the original amount?</p> <p>6 A The original amount was, like, 60-some; 7 60,000.</p> <p>8 Q Okay. Why did the court rule that you owed 9 him 300,000?</p> <p>10 A I wasn't there. I don't know.</p> <p>11 Q Okay. So you're telling me you gave your 12 son 60,000 while he was still a minor out of your 13 account to just let him spend. \$60,000. Is that 14 right?</p> <p>15 A Pretty much.</p> <p>16 Q Okay. What did he spend \$60,000 on while 17 he was a minor?</p> <p>18 A He would buy clothes, he bought a couple -- 19 he bought cars.</p> <p>20 Q Okay. So you let your son, a minor, buy 21 clothes and cars in the amount of \$60,000. Do I have</p>	Page 239	<p>1 involved in?</p> <p>2 MR. GOLDBERG: Cary, would this be a good 3 time to request, like, a five-minute break?</p> <p>4 MR. HANSEL: Yeah, sure. No problem.</p> <p>5 First, let's go off the record and then we'll see how 6 long people need a break. I always like to include the 7 court reporter.</p> <p>8 MR. GOLDBERG: Good call.</p> <p>9 THE REPORTER: Thank you.</p> <p>10 MR. HANSEL: So we'll go off. (A discussion was held off the record.) (There was a brief recess taken.)</p> <p>13 MR. HANSEL: We'll go back on the record, 14 then.</p> <p>15 BY MR. HANSEL:</p> <p>16 Q Officer, we have talked a little bit about 17 the case with your son. Tell me about other lawsuits 18 you have been a party to.</p> <p>19 A Which one do you want to know about? I'm 20 not sure.</p> <p>21 Q Yeah, well, let's just make a list. How</p>	Page 241
<p>1 that right?</p> <p>2 A I don't know what it came to, but he spent 3 that money.</p> <p>4 Q And how many cars did he buy while he was a 5 minor with this \$60,000?</p> <p>6 A He probably had three cars.</p> <p>7 Q Three cars. And what was the most 8 expensive one? The make and model.</p> <p>9 A I don't remember.</p> <p>10 Q All right. Were any of them fancy?</p> <p>11 A No, not really.</p> <p>12 Q Were they used cars?</p> <p>13 A Yeah.</p> <p>14 Q Okay. Did any of them cost, say, more than 15 \$5,000?</p> <p>16 A Don't know.</p> <p>17 Q So how did he spend \$60,000 on three, not 18 fancy used cars and clothes before his 18th birthday? 19 Explain that to me.</p> <p>20 A I can't.</p> <p>21 Q Okay. What other lawsuits have you been</p>	Page 240	<p>1 many lawsuits have you been a party to?</p> <p>2 A I think that's it. I'm not sure.</p> <p>3 Q Okay. Well, wait a minute. Let's think 4 about this. We have talked about the one where you 5 broke a man's jaw. We have talked about the one with 6 your son. You're obviously a party to the current 7 lawsuit with Jawone Nicholson.</p> <p>8 Have you ever been a party to any other 9 lawsuits other than those three?</p> <p>10 A They're the ones that I remember.</p> <p>11 Q Okay. So as far as you remember you 12 haven't been party to any other lawsuits besides those 13 three. Is that right?</p> <p>14 A They're the ones that I remember. Is there 15 a particular one you have that will maybe jog my 16 memory? I'm not sure.</p> <p>17 Q Sir, I'm just seeing you're willing to -- 18 I'm just trying to determine what you're willing to 19 tell me here without me having to pull up documents.</p> <p>20 Are there any other lawsuits you have ever 21 been a party to besides the three we have talked about?</p>	Page 242

<p>1 A I don't know because what is relevant to 2 me. I'm not sure.</p> <p>3 Q I'm not asking you what's relevant. Have 4 you ever been a party to any other lawsuits other than 5 the three we have already talked about?</p> <p>6 A Just, like, car accidents.</p> <p>7 Q All right. How many of those?</p> <p>8 A There is a workers' comp. One recently 9 that I was in a car accident on 95. That's what I 10 remember.</p> <p>11 Q Okay. Any other lawsuits besides car 12 accident and workers' comp? And other than what we 13 have already talked about.</p> <p>14 A I don't know.</p> <p>15 Q So is your answer, no, nothing else?</p> <p>16 A That I remember, no.</p> <p>17 Q Okay. Have you ever filed bankruptcy 18 proceedings in the United States District Court, 19 bankruptcy court for Maryland?</p> <p>20 A Yeah, I didn't think that was a lawsuit.</p> <p>21 Q Okay. And in the bankruptcy your main debt</p>	Page 243	<p>1 of objections without trying to speak too much, Cary. 2 The first is, I would levy the same evidentiary 3 objection as to your reliance on a document not 4 produced in discovery, and, relevance. And if you 5 would grant me a continuing objection as to relevancy, 6 I won't have to object on each question as such.</p> <p>7 MR. HANSEL: Yeah, sure.</p> <p>8 MR. GOLDBERG: And obviously, you just 9 continue to ask your question.</p> <p>10 MR. HANSEL: No problem.</p> <p>11 BY MR. HANSEL:</p> <p>12 Q Officer, you recognize this as an opinion 13 by the bankruptcy court in your bankruptcy case, right?</p> <p>14 A Yes, you said it's my bankruptcy, yes.</p> <p>15 Q All right. And it says here that you and 16 your wife listed approximately 452,000 in debt and then 17 the court says: The overwhelming majority of this debt 18 relates to a single judgment entered against the 19 defendant.</p> <p>20 And that refers to the judgment entered 21 against you by your son. Is that right?</p>	Page 245
<p>1 that you were seeking to avoid was the judgment in 2 favor of your son. Is that right?</p> <p>3 A Main debt? No, there was a bunch of them.</p> <p>4 Q All right. Well, let's see if I can share 5 my screen again.</p> <p>6 All right. And I'm showing you, sir, a 7 case text search for Durant versus Durant, also known 8 as In Re: Durant. And this is an opinion by Judge 9 Harner, who is a U.S. Bankruptcy judge.</p> <p>10 You recognize this as related to your case, 11 right? Here under relevant background, it says: 12 Damond Durant, Sr. and Sharae Durant filed this 13 Chapter 7 bankruptcy on July 28, 2017. The debtors 14 listed approximately 452,000 in debt.</p> <p>15 Do you see all that?</p> <p>16 A Uh-huh.</p> <p>17 Q Is that a yes, sir?</p> <p>18 A Yes.</p> <p>19 Q And you recognize this opinion as being an 20 opinion in your bankruptcy case, right?</p> <p>21 MR. GOLDBERG: I'm going to levy a couple</p>	Page 244	<p>1 A That's what it says.</p> <p>2 Q Okay. And you agree with that, don't you?</p> <p>3 A Yes, that's what it says.</p> <p>4 Q No, but it's true, though, that the 5 overwhelming majority of the debt relates to the single 6 judgment entered against you in favor of your son?</p> <p>7 A Yes.</p> <p>8 Q Right. In other words, the bankruptcy was 9 over 452,000 and you told me you thought the judgment 10 in favor of your son was 300, so the vast majority of 11 it involves the issue with your son, right?</p> <p>12 A Yes.</p> <p>13 Q Okay. And earlier you said you thought the 14 inheritance was about 60,000. The court here says it 15 was 75,803.83 and for that the court is citing 16 transcripts of the state court hearings.</p> <p>17 Does this refresh your recollection that 18 the amount left to your son was actually 75,803.83?</p> <p>19 A Yeah, I said it was around 60. That's the 20 amount that was totaled because it came in separate 21 checks.</p>	Page 246

	Page 247		Page 249
1	Q And it says here that when your son turned	1	A I guess it was in the 30's.
2	21 years old that you gave him a hundred dollars and	2	Q Okay. And what other vehicles did you have
3	then told him the rest of the money was gone and he	3	at the time of the incident with Mr. Nicholson?
4	should do whatever he needed to do.	4	A Mr. Nicholson I had a pickup truck.
5	Is that what happened?	5	Q Okay. That was an F-150, I think?
6	A I don't remember that part.	6	A No, that was a RAM 1500.
7	Q Okay. Did you give him a hundred dollars	7	Q Okay. What did that cost you, you think?
8	when he turned 21?	8	A The RAM?
9	A I gave him money all the time.	9	Q Yes.
10	Q All right. Is this your Facebook page? Do	10	A 27, 30's, I think.
11	you recognize it here? It says Damond Durant?	11	Q So now we have talked about the broken jaw
12	A Yeah, that's me.	12	case, the case with your son, the case with
13	Q Is there any chance this you on this bike	13	Mr. Nicholson, the bankruptcy case. You mentioned comp
14	here?	14	and car accidents. We're going to get into those.
15	A No, sir.	15	What other lawsuits have you ever been a
16	MR. GOLDBERG: I'm going to levy the same	16	party to?
17	objection as before as to the discovery and same	17	A That's about it that I can remember.
18	relevancy objection, if you grant it for me, Cary.	18	Q Okay. The judge in the bankruptcy court
19	MR. HANSEL: No problem.	19	quotes some findings that the Circuit Court judge made
20	MR. GOLDBERG: Thanks.	20	here, and these are cited to the Circuit Court
21	Q I just was wondering. Is this you on this	21	transcript. You see the Circuit Court judge said that
	Page 248		Page 250
1	bike? I couldn't hear your answer.	1	your conduct was reprehensible.
2	A No, that's not me.	2	Do you see that?
3	Q But you certainly have a motorcycle, right?	3	A What case is this?
4	A Yes.	4	Q This is the bankruptcy court quoting the
5	Q What kind of motorcycle do you have?	5	Circuit Court judge in the case brought by your son.
6	A A sport bike. That's it right there.	6	And the Baltimore City Circuit Court judge said your
7	Q Okay. So you have GSX-R K8 1000. Is that	7	conduct was reprehensible.
8	right?	8	Do you see that?
9	A Yes.	9	A I see it.
10	Q And what did that bike cost you?	10	Q And then the Circuit Court judge also said
11	A I'm going to say 14.	11	the fact that the Defendant made repeated statements to
12	Q \$14,000?	12	the Plaintiff, that's your son, knowing full well that
13	A Uh-huh.	13	they were false, that he couldn't touch the money while
14	Q Is that a yes?	14	he was spending it on himself, clearly shows, by clear
15	A Yes.	15	and convincing evidence, there was actual malice that
16	Q And you had, at the time of these events	16	you knew what you were doing. That you knew exactly
17	anyway, a pickup truck, also. Is that right?	17	what you were doing.
18	A Did I have a pickup truck. I think I	18	Do you see that?
19	had -- I think I had my -- I had a Yukon, I think, at	19	A I see it.
20	that time.	20	Q Okay. And you're certainly aware of these
21	Q Okay. What did the Yukon cost you?	21	rulings by the Circuit Court, aren't you?

	Page 251		Page 253
1	A No, sir.	1	A No, they're the ones that come across that
2	Q And you are aware of the Circuit Court	2	I remember.
3	proceedings when they happened, right?	3	Q When you say a kid -- you said a kid came
4	A No, sir.	4	across. Tell me about that.
5	Q Did you ever challenge the Circuit Court	5	A Off course. That was a student went off
6	proceedings based on the theory that you weren't aware	6	course.
7	of them?	7	Q What do you mean went off course? In other
8	A I did not because I was told that it	8	words, tell me what you mean by that.
9	couldn't reverse. But I never was in court. I got	9	A Meaning he drove off course. Off of the
10	served with a court notice the day of or the day	10	street into the grass.
11	before, so I wasn't able to get in court. I never was	11	Q Okay. And he struck you with a car?
12	present.	12	A No, I was a passenger in the car.
13	Q Did you ask for time off to go?	13	Q Okay. All right. And were you on duty at
14	A For time off? From work?	14	that time?
15	Q Yeah.	15	A Yes.
16	A No.	16	Q And so that was the comp claim. Is that
17	Q Okay. And the majority of that award,	17	right?
18	227,000, was in punitive damages.	18	A Yes, sir.
19	Do you see that?	19	Q Okay. Have you ever been involved in any
20	A Yeah, I see it.	20	other lawsuits other than what we have now talked
21	Q Okay. And then to try to avoid paying your	21	about?
	Page 252		Page 254
1	son that money, you filed this bankruptcy. Is that	1	A That I can remember. Because I didn't
2	right?	2	think the bankruptcy was a suit. So, what I can
3	MR. GOLDBERG: Objection. Form. You can	3	remember.
4	answer.	4	Q Okay. And what about criminal charges?
5	A Well, he was getting money before the	5	Have you ever been charged with a crime?
6	bankruptcy.	6	A No.
7	Q Right. And to try to avoid paying him the	7	Q Have you ever been charged with a crime in
8	rest of it you filed the bankruptcy. Is that right?	8	Virginia?
9	MR. GOLDBERG: Objection. Form. You can	9	A I'm not sure what you're talking about,
10	answer.	10	sir.
11	A Yeah, I filed bankruptcy.	11	Q Well, it took you a long time to answer
12	Q What other lawsuits have you been a party	12	that. I could answer you immediately. I've never been
13	to that we haven't already talked about?	13	charged with a crime in Virginia. Why did it take you
14	A Like I said, just the ones that I	14	so long to answer?
15	mentioned. That's the ones that come to mind.	15	A Because you're -- obviously, I guess, you
16	Q Okay. Let's talk about, you said there	16	know something. I don't remember anything in Virginia.
17	were car accidents. Tell me about the car accidents.	17	I've never been committed of a crime. I wouldn't be a
18	A A car hit me on 95. A truck hit me on 95.	18	police officer if I was committed of a crime.
19	But that's in progress now. Workers' comp, a kid drove	19	Q I'm not sure what committed of a crime
20	off course. That just ended. They are the two.	20	means. I think you mean convicted, but set that aside
21	Q Anything else?	21	for a minute because it's not what I'm asking.

	Page 255		Page 257
1	Have you ever been charged with a crime	1	into Maryland Case Search I pulled up the results here.
2	anywhere? Let's start there and then I'm going to ask	2	There are 268 items come up.
3	in Virginia.	3	Can you see this all on your screen?
4	A Not that I remember, no.	4	A Yes.
5	Q Have you ever been charged with a crime in	5	Q And looking at these cases there is one
6	the State of Virginia?	6	here, Damond T. Durant. It's a contract case from
7	A I don't remember. Is it a vehicle or	7	2017. LCS Financial Services versus Damond T. Durant.
8	something? I'm not sure. But I don't remember	8	Do you see that, sir?
9	committing a crime in Virginia.	9	A Yeah. Yeah, I see what you got.
10	Q Sir, I'm not asking if you committed a	10	Q And it listed an address of Gresham Wary,
11	crime, sir. I'm asking, have you ever been charged	11	Baltimore.
12	with a crime in Virginia?	12	Do you see that?
13	MR. GOLDBERG: Objection. Form. Asked and	13	A No. Oh, yes, Gresham Way?
14	answered. He's testified he doesn't remember.	14	Q Yeah. It says Wary, but it's certainly
15	MR. HANSEL: If he says that clearly under	15	supposed to say Way.
16	oath, then we'll --	16	You agree with me this is you that's
17	MR. GOLDBERG: I think he said it pretty	17	involved in this case, right?
18	clearly, but you can answer.	18	MR. GOLDBERG: Same objection as to the
19	Q Go ahead. Have you ever been charged with	19	other exhibits and a request to continuing relevancy
20	a crime in Virginia?	20	objection as to this line of questioning.
21	A I don't remember.	21	MR. HANSEL: Sure, I'll recognize it.
	Page 256		Page 258
1	Q Okay. What did you mean when you said	1	Q You agree that this is you, right, sir?
2	maybe with a vehicle or something or you made some	2	A Can you scroll up for me?
3	reference to a vehicle or something?	3	Q Yeah, sure. I can't go up higher. I can
4	A I was asking. Because charged with a crime	4	go down. So the Defendant is Damond T. Durant at 2704
5	in a violation? I don't know what you mean.	5	Gresham Way.
6	Q Okay. Have you ever had any type of legal	6	Have you ever lived at 2704 Gresham way?
7	issue in Virginia at all?	7	A Hello?
8	A No.	8	Q Yes, sir. Have you ever lived at 2704
9	Q What were you thinking about when you said	9	Gresham way?
10	maybe with a vehicle or something?	10	A Yes.
11	A Like, I was speculating, trying to see what	11	Q And so you agree with me that the Damond T.
12	you were wanting me to answer because I don't remember	12	Durant of 2704 Gresham Way that's referenced here on
13	anything in Virginia.	13	Case Search in connection with this lawsuit is you,
14	MR. HANSEL: All right. Give me just a	14	right?
15	second. I'm going to share my screen here.	15	A No. My son has the same exact name.
16	Q You're familiar with Case Search, right?	16	Q Okay.
17	Maryland Case Search?	17	A No.
18	A Yes.	18	Q Do you think your son, in 2017, was sued by
19	Q You have used that before, haven't you?	19	LCS Financial Services Corporation?
20	A Yes.	20	A I don't remember this or -- I don't
21	Q All right. So when I put Damond Durant	21	remember what this.

	Page 259		Page 261
1	Q He would have been barely 18.	1	address listed on Fulton Avenue, date of birth, same as
2	A Yeah. No, then yes, that's me.	2	yours, who had a traffic violation in, it looks like,
3	Q Okay. So this is at least one lawsuit that	3	year 2000 on Case Search.
4	we didn't talk about earlier. Tell me about this case.	4	Do you see that?
5	A I couldn't because I have no idea what this	5	A Okay.
6	is.	6	Q Tell me what that was about. It says you
7	Q And you don't know what LCS Financial	7	got a PBJ. You hired a defense attorney, Marsden
8	Services is?	8	Coates.
9	A I guess it's a company.	9	A It was a traffic.
10	Q Do you know what they do?	10	Q So were you driving on a suspended license?
11	A No.	11	A That's what it says.
12	Q Okay. Going back to the 200-plus cases	12	Q Okay. How had your license come to be
13	here where you're listed, you're listed as a party in a	13	suspended?
14	civil case called State of Maryland versus Eubanks.	14	A I don't remember that.
15	What can you tell me about that?	15	Q And you were certainly charged with driving
16	A Mr. Eubanks broke into my vehicle, stole	16	on a suspended license. Is that right?
17	property.	17	A Yep, that's what it's saying.
18	Q Okay. And you sued him?	18	Q And you had to hire a lawyer for that. Is
19	A No, I didn't sue him. He was being placed	19	that right?
20	under arrest. They was looking for him. I didn't sue	20	A Yes.
21	anybody.	21	Q And you paid court costs of 105 and a fine
	Page 260		Page 262
1	Q All right. And he was ordered to pay some	1	of 305. Is that right?
2	restitution, I take it, then, based on your	2	A That's what it says, yes.
3	description? Is that right?	3	Q And you pled guilty. In other words, you
4	A I didn't receive anything. He was just	4	don't dispute that you were driving on a suspended
5	being arrested.	5	license, do you? You plead guilty, right?
6	Q Do you know if he was ordered to pay any	6	A Yeah, if the license was suspended it was
7	restitution?	7	suspended, yes.
8	A No, no.	8	THE REPORTER: Excuse me, Cary. You just
9	MR. GOLDBERG: Counsel, rather than me	9	said 305. Did you mean 3-5-0?
10	having to renew the relevancy objection on all of the	10	MR. HANSEL: I did. Let's clear that up.
11	Maryland Judiciary Case Search files you bring up, I'm	11	BY MR. HANSEL:
12	going to levy that objection if you grant it.	12	Q Officer Durant, apparently I may have
13	MR. HANSEL: No problem. I'll recognize a	13	misspoken.
14	continuing objection there. No problem.	14	You agree with me you were fined and paid
15	MR. GOLDBERG: Thank you.	15	\$350 in connection with your guilty plea for a driving
16	BY MR. HANSEL:	16	on a suspended license?
17	Q Have you ever lived at Fulton Avenue?	17	A Yes.
18	A Yes, sir. Born and raised.	18	THE REPORTER: Thank you.
19	Q Okay. And is your date of birth 2/22/1972?	19	Q Okay. Now, earlier when I asked you if you
20	A Yes, sir.	20	had ever been charged with anything, you said, no. And
21	Q So there is a Damond Tremmell Durant,	21	here you had a defense attorney, you had a hearing, you

<p>1 entered a plea, you paid over \$450.</p> <p>2 Why didn't you mention this earlier when I 3 asked?</p> <p>4 A Because what I remember is what I remember.</p> <p>5 That was when?</p> <p>6 Q December of 2000.</p> <p>7 A That's a long time ago. And it's traffic, 8 so I'm not sure if that count for as that's what you 9 were talking about.</p> <p>10 Q Have you ever been charged with any 11 violation of law in the history of the world other than 12 what we have already spoken about?</p> <p>13 A Of course, because it's right there.</p> <p>14 Q But now we have spoken about this one. 15 Other than what we have spoken about now, 16 have you ever been charged with any violation of law in 17 the history of the world?</p> <p>18 A Probably, yeah, I would assume so because 19 you have it all right there.</p> <p>20 Q All right. Now, tell me about your other 21 criminal charges in the history of the world or any</p>	<p>Page 263</p> <p>1 A No, that's not -- no.</p> <p>2 Q Okay. All right. So did you ever have a 3 Pennsylvania Avenue address in Upper Marlboro?</p> <p>4 A No.</p> <p>5 Q Okay. Do you know anything about a 6 foreclosure case? Did you ever own property there?</p> <p>7 A In Upper Marlboro?</p> <p>8 Q Let's just say on any Pennsylvania Avenue 9 anywhere. They have Upper Marlboro, but sometimes it 10 might be right outside.</p> <p>11 A Never lived in Upper Marlboro, no.</p> <p>12 Q Did you ever own any property on a 13 Pennsylvania Avenue?</p> <p>14 A No.</p> <p>15 Q Okay. There is a foreclosure case called 16 Fischer versus Durant filed in '08. And it's against 17 Diamond T. Durant.</p> <p>18 What do you know about that case?</p> <p>19 A I lost my home.</p> <p>20 Q What home did you lose?</p> <p>21 A That was in Randallstown or Woodlawn.</p>	<p>Page 265</p>
<p>1 violations of law.</p> <p>2 MR. GOLDBERG: Objection. Form. You can 3 answer.</p> <p>4 A Yeah, I don't remember every little thing.</p> <p>5 Q Tell me anything else you remember.</p> <p>6 A What I just told you.</p> <p>7 Q So the truth of the matter is, sir, you're 8 just not going to admit anything until I pull up the 9 document. Is that right?</p> <p>10 MR. GOLDBERG: Objection to form. And I 11 don't think my client has declined to answer any of 12 your questions. If it's not to your satisfaction, then 13 you can ask him more questions, Cary, but the 14 argumentation is unnecessary.</p> <p>15 MR. HANSEL: Well, I'm just trying to 16 understand his answers.</p> <p>17 Q Is that the approach you're taking, sir?</p> <p>18 You're going to tell me you don't remember until I pull 19 it up?</p> <p>20 MR. GOLDBERG: Objection. Form.</p> <p>21 Argumentative. You can answer.</p>	<p>Page 264</p> <p>1 Q On what street was the home in Randallstown 2 or Woodlawn?</p> <p>3 A I don't remember. To really be honest, I 4 don't remember. I really don't remember.</p> <p>5 Q Okay.</p> <p>6 A But Baltimore.</p> <p>7 Q Okay. So tell me about what happened.</p> <p>8 A I lost my home.</p> <p>9 Q Under what circumstances? How did you come 10 to lose your home?</p> <p>11 A Not knowing about buying a home, they gave 12 me what is called an adjustable mortgage rate and it 13 kept going up and up and up and up and up where I 14 couldn't afford the home.</p> <p>15 Q Did you spend some of your son's 16 inheritance money trying to keep that home?</p> <p>17 A No, I had my own money.</p> <p>18 MR. GOLDBERG: Objection to form. You can 19 answer.</p> <p>20 Q Well, you didn't have enough. You got 21 foreclosed on, right?</p>	<p>Page 266</p>

<p>1 A Well, if -- I probably would still have the 2 home if I spent his money.</p> <p>3 Q All right. So when I asked you earlier 4 about cases you have been involved in, you didn't 5 mention this one until I pulled it up. Is there a 6 reason?</p> <p>7 MR. GOLDBERG: Objection to form. You can 8 answer.</p> <p>9 A No, there is no reason.</p> <p>10 Q Okay. You're not here to tell me you 11 forgot having a home foreclosed and losing a home. You 12 didn't forget that, did you?</p> <p>13 MR. GOLDBERG: Objection to form. You can 14 answer.</p> <p>15 A No, and I wasn't brought up on charges for 16 that.</p> <p>17 Q Okay. Yeah, but I asked you about 18 lawsuits, also, of which you were a party and you 19 didn't bring this up. You remember those questions, 20 don't you, sir?</p> <p>21 MR. GOLDBERG: Objection to form and</p>	Page 267	<p>1 includes any type of civil proceeding at all. Other 2 than what we already talked about.</p> <p>3 A Yes.</p> <p>4 Q Okay. What others?</p> <p>5 A The one you just mentioned about me losing 6 my home.</p> <p>7 Q Right. So now we have talked about that. 8 Other than what we already talked about, 9 have you ever been a party to any civil or criminal 10 cases?</p> <p>11 A Let me see what I can remember. No, that's 12 what I can remember.</p> <p>13 Q All right. What is Wittstadt versus 14 Durant?</p> <p>15 A I don't know. I don't know. What's 16 Wittstadt?</p> <p>17 Q How many foreclosures have you had?</p> <p>18 A One.</p> <p>19 Q Okay. All right. Have you ever lived at 20 4985 Columbia Road, Number 203?</p> <p>21 A Say that address again?</p>	Page 269
<p>1 foundation. You can answer.</p> <p>2 A That I was charged. That's what I remember 3 you saying. That I was charged.</p> <p>4 Q You don't recall me asking you what 5 lawsuits you were a party to and going through the 6 broken jaw case, the case with your son, this case, the 7 car accidents, the comp case?</p> <p>8 You don't remember that, sir? And I said, 9 repeatedly, is that everything and you said, yes. And 10 now I'm -- and then we have looked at the bankruptcy, 11 which was another one. That wasn't a criminal case.</p> <p>12 And now, sir, I'm asking you, is there any 13 reason why you didn't tell me about the foreclosure 14 when we were going through those other cases?</p> <p>15 A It's not a criminal case. You said 16 criminal or charges. That's me losing my home. Not a 17 case.</p> <p>18 Q Sir, we have talked about both, but let me 19 be clear. In the whole history of the world, other 20 than what we have already talked about now, have you 21 ever been a party to any civil or criminal case? Civil</p>	Page 268	<p>1 Q 4985 Columbia Road.</p> <p>2 A I think so, yes.</p> <p>3 Q So I'm now pulling up a lawsuit that is 4 Gates Hudson & Associates versus Sharae Durant, it says 5 here, et al. And the other person listed is Diamond 6 Durant, with that address that you have identified as 7 your own.</p> <p>8 Do you agree with me that you are one of 9 the defendants in the lawsuit Gates Hudson & 10 Associates, Inc. versus Durant?</p> <p>11 A Yes.</p> <p>12 Q Okay. It says here this was a failure to 13 pay rent case. Were you sued for failure to pay rent?</p> <p>14 A If that's what it says, then, yes.</p> <p>15 Q Okay. And there is someone here listed as 16 Milan Lewis. Did you get a lawyer named Milan Lewis?</p> <p>17 A No, that's my son.</p> <p>18 Q How many sons do you have?</p> <p>19 A Well, before I was married my wife had 20 three sons and I had one son and we have a daughter.</p> <p>21 Q And what?</p>	Page 270

<p style="text-align: right;">Page 271</p> <p>1 A And we now have a daughter. We have a 2 daughter.</p> <p>3 Q All right. So did you ever adopt your 4 wife's sons?</p> <p>5 A Not legally. Not paper.</p> <p>6 Q That's fine. I get it. And sometimes the 7 real world is different. I appreciate that, sir.</p> <p>8 And so Mr. Lewis, then, Milan Lewis, 9 biologically, is that your wife's son, but not yours 10 biologically?</p> <p>11 A Yes.</p> <p>12 Q Now, earlier when I asked you about 13 lawsuits you had been a party to, civil cases, anything 14 in the whole history of the world, why is it you didn't 15 mention this failure to pay rent case?</p> <p>16 A Didn't remember.</p> <p>17 Q Okay. Now, other than what we have already 18 talked about, including this failure to pay rent case, 19 in the whole history of the world have you ever been a 20 party to any criminal or civil proceedings of any type?</p> <p>21 A All right. You keep asking me the same</p> <p style="text-align: right;">Page 272</p> <p>1 question and the things that I think that you want to 2 know, I don't know if they're cases. So I don't 3 remember. I don't know. Because it's a lot of things 4 and this could be things that are over with or a long 5 time ago. I'm not sure what you're asking me. Because 6 I said yes to that question.</p> <p>7 Q So, sir, when I say in the whole history of 8 the world, I hope you understand that includes things 9 that happened a long time ago, because the whole 10 history of the world is quite long, and it's quite 11 longer than your history or mine. So that means in 12 your entire life.</p> <p>13 In your entire life, sir, other than what 14 we have already talked about, have there ever been any 15 criminal or civil proceedings in which you have been a 16 party other than what we have already talked about?</p> <p>17 A Yes.</p> <p>18 Q List them.</p> <p>19 A I don't remember all of them.</p> <p>20 Q List any of them.</p> <p>21 A The ones that we just talked about.</p>	<p style="text-align: right;">Page 273</p> <p>1 Q No, I said other than what we have already 2 talked about. And you said, yes. So now I'm asking, 3 what do you recall other than what we have talked 4 about?</p> <p>5 A Just the ones that you brought up.</p> <p>6 Q Okay. So, in other words, you don't recall 7 any that we haven't already talked about; is that 8 correct?</p> <p>9 A Yes.</p> <p>10 Q All right. And I have to ask you again, 11 sir, is it your intention not to list any of these 12 until I actually pull up the documents? Is that your 13 approach here today?</p> <p>14 A No. Not at all.</p> <p>15 Q All right. Now, you can see the Case 16 Search list here online, right? You can see this?</p> <p>17 A Yes.</p> <p>18 Q Okay. I'm going to point out to you, sir, 19 that there are one, two, three, four, five, six, seven 20 lines which, if you follow them over, say FTPR, and 21 involve Gates Hudson & Associates versus you and your</p> <p style="text-align: right;">Page 274</p> <p>1 wife.</p> <p>2 Do you see those? And we can go through 3 each one if you need to, but do you see that there are 4 seven of those?</p> <p>5 A Yes.</p> <p>6 Q Okay. And, sir, I'm going to represent to 7 you, you may know this, that FTPR stands for failure to 8 pay rent.</p> <p>9 Do you agree with me, looking at this, that 10 there were seven different cases, you'll see they all 11 have different case numbers and different dates, that 12 there were seven different cases filed against you for 13 failure to pay rent by Gates Hudson & Associates?</p> <p>14 A Yes, I see it. Yes.</p> <p>15 Q All right. Now, is there any reason why 16 you didn't mention the other six of these cases a 17 minute ago when I asked you about civil cases in the 18 history of the world and that kind of thing?</p> <p>19 A I didn't know it was that many and I didn't 20 know that's what you were talking about.</p> <p>21 Q Okay.</p>
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<p>1 A And I don't remember actually going to 2 court for any of these.</p> <p>3 Q So, I didn't ask you if you went to court. 4 I asked you if there were any cases filed, right? 5 I'm going to show you, sir, a case called 6 Comptroller of Maryland versus your wife and you're 7 also a defendant. 8 Do you see this, sir? 9 A Okay. 10 Q And this is a case that was filed against 11 you by the State of Maryland involving a state tax 12 lien. 13 Do you see that? 14 A I see it. 15 Q And it looks like you had failed to pay 16 your taxes to the tune of almost \$1,900; \$1,889.09. 17 Do you see that, sir? 18 A I see it. 19 Q Now, earlier when I asked you about civil 20 proceedings, is there some reason why you didn't 21 mention this one?</p>	<p>Page 275</p> <p>1 involving the broken jaw? 2 A Yes. 3 Q And then looking at this, do you agree with 4 me that the man whose jaw you broke was a man named 5 Jon, J-O-N, Black, dash, Thaxton, T-H-A-X-T-O-N? 6 A Yes. 7 Q And his case was filed in March of 2014. 8 Do you agree with that? 9 A Yes. 10 Q And then the settlement came, it says 11 disposition date here, February, 2015. So that case 12 was around for roughly a year before it was settled; is 13 that correct? 14 A Yes. 15 Q And so, certainly when the events here in 16 this case happened it was after the City had settled 17 with Mr. Black-Thaxton. Is that right? 18 A Say that again? 19 Q When your interaction with Mr. Nicholson 20 happened, it was after the City had settled with 21 Mr. Black-Thaxton in your other case, right?</p>
<p>1 A Didn't know anything about it.</p> <p>2 Q You didn't know about this? You didn't 3 know that there was a tax lien for \$1,889.09? 4 A No, sir. 5 Q Well, it's listed as closed. Did you ever 6 pay off that tax lien? 7 A No, sir. 8 Q We mentioned earlier the case in which you 9 broke a man's jaw and I want to show you, I'm pulling 10 up a case called Jon Black, dash, Thaxton, 11 T-H-A-X-T-O-N, versus Damond Durant, et al. And 12 Mr. Thaxton was represented by a lawyer named Michael 13 Taylor and you were represented by a lawyer named Peter 14 Sheehan. And there was also a defendant named Alan 15 Neita. 16 Alan Neita is a fellow officer. Is that 17 right? 18 A Yes. 19 Q Looking at this, given who the lawyers are, 20 the timing, the fact that this fellow officer was 21 involved, do you agree with me that this was the case</p>	<p>Page 276</p> <p>1 A Black-Thaxton was way before Mr. Nicholson. 2 Q Right. And the settlement, what I'm 3 getting at, is the City paid that settlement before you 4 had an interaction with Nicholson. Is that right? 5 A Yes. 6 Q Okay, got it. And were you ever 7 disciplined by the City for what happened with 8 Mr. Black-Thaxton? 9 A No. 10 Q There is case here a case against a Durant 11 Tremmell -- I'm sorry, a Damond Tremmell Durant, Sr. 12 that is Janice Montgomery versus you. 13 Do you see that? 14 A Yes. 15 Q Okay. And you agree with me that's you? 16 You were also a party to that lawsuit, right? You're 17 listed here as the defendant? 18 A I am Damond Durant, Tremmell, Sr. 19 Q Okay. And when I earlier asked you, I 20 think seven or eight times, about whether you had been 21 a party to any civil proceedings in the history of the</p>

	Page 279		Page 281
1	world, why is it that you didn't mention this one?	1	A Few years, yes.
2	A I don't remember it. I don't remember.	2	Q And it's that two years when you say --
3	Q Now, you don't remember being -- you don't	3	A Few. Few, few.
4	remember a paternity suit being filed against you for	4	Q How many is a few?
5	your son?	5	A Maybe, what, 16 until he graduated from
6	A That was -- yes, I remember that was for	6	high school, then he wanted to live with his mother.
7	child support.	7	Q So he was 18 when he graduated from high
8	Q Yeah, and you paid child support for many	8	school. Is that right?
9	years, didn't you?	9	A Yes.
10	A Yeah.	10	Q And how old was he when he moved in with
11	Q And you're telling me you didn't remember a	11	you?
12	case that resulted in your paying child support for	12	A With me?
13	many years? Is that what you're telling me?	13	Q Yes, sir.
14	MR. GOLDBERG: Objection. Form. You can	14	A He was still a minor. Just going to high
15	answer.	15	school, so 16.
16	A Yeah, I didn't remember it. I mean,	16	Q Okay. So 16 to 18, he lived with you for
17	because it was what it was. I paid child support.	17	two years, right?
18	Everybody pays child support.	18	A Yeah.
19	Q But this wasn't just a case where you paid	19	Q Okay. And then as soon as he could choose,
20	child support. You tried to avoid it, right? There	20	he moved out and in with his mom, right?
21	was a back and forth fight about it. Right?	21	A Yes.
	Page 280		Page 282
1	A No.	1	Q And so that \$74,000 you say that he spent,
2	Q Okay. Was there a fight over custody in	2	it must have been just during those two years, right?
3	this case?	3	16 to 18?
4	A No, I didn't fight over custody.	4	A Yes.
5	Q Okay. It says here that the sole legal and	5	Q Okay. And you said it was mostly on cars.
6	physical custody of your son was awarded to his mother.	6	He certainly wouldn't have spent any money on cars
7	Is that right?	7	until he was 16 because he couldn't drive, right?
8	A His grandmother.	8	A Yep.
9	Q What's that?	9	Q Did he ever buy you a car out of that
10	A Grandmother.	10	money?
11	Q I'm sorry, his grandmother.	11	A No.
12	And that's what ended your child support	12	Q Did you ever drive any car that was bought
13	obligation. Is that right?	13	with that money?
14	A No, I paid all the way up until he was 18.	14	A No.
15	Q Did your son ever live with you? Damond	15	Q Okay. All right. Here's a case, Janice D.
16	Durant?	16	Montgomery versus Damond T. Durant, Sr. involving a
17	A Yes.	17	recorded judgment.
18	Q For how long?	18	That's also you, right?
19	A A few years.	19	A Yes.
20	Q Okay. So in his whole life he lived with	20	Q And in this case your wages were being
21	you for a total of two years?	21	garnished. Is that right?

	Page 283		Page 285
1	A Yes.	1	trial recently?
2	Q Okay. Did you also forget that your wages	2	A No.
3	were being garnished by the mother of your child when I	3	Q You were certainly served with papers in
4	asked you earlier about civil proceedings from the	4	this case, right?
5	beginning of the world to the present that you were a	5	A Served with papers?
6	party to? Did you also forget that?	6	Q Yes, sir.
7	MR. GOLDBERG: Objection to form, but you	7	A This was an eviction.
8	can answer.	8	Q Yeah, you were served with papers, right?
9	A Yes.	9	Eviction notices, papers related to the case?
10	Q Can you see how I would find it difficult	10	A Eviction papers, yes.
11	to believe that you would forget things like having a	11	Q Okay. All right. And, you know, I mean,
12	house repossessed and having your wages garnished? Can	12	it says here that the sheriff -- there was a request
13	you see how that would be hard for somebody to believe?	13	that the sheriff serve you.
14	That you would forget those things?	14	Did the sheriff serve you?
15	MR. GOLDBERG: Objection to form, but you	15	A No, they left a paper on the door, like, evictions.
16	can answer.	16	Q Okay. And you got it and you were aware of
17	A I don't know what you would believe, but I'm telling you what I remember and what I know.	17	these court dates and proceedings, right?
18	Q There is a case in Howard County, Karim,	18	A Yes.
19	LLC versus Damond Durant involving a tenant holding	19	Q And the case was filed in November of 2021.
20	over. I see listed as Defendants is your wife and	20	Do you see that?
	Page 284		Page 286
1	Damond Durant with Falls Road addresses.	1	A Yes.
2	Do you see that, sir?	2	Q And that this recent hearing was February
3	A Yes.	3	of 2022.
4	Q Is this case involving you? You're the	4	A No, can --
5	Damond Durant listed here?	5	Q Well, wait a minute. Do you see the recent
6	A Yes.	6	hearing was February of 2022?
7	Q And it says here that there was a trial in	7	A Yes, I see that.
8	this case on February 7, 2002.	8	Q Okay. So you had to have been served
9	Do you see that, sir?	9	sometime between November of 2021 and February of 2022,
10	A Yeah, I see that.	10	right?
11	THE REPORTER: Cary, 2022? Not 2002?	11	A That's what it says, yes.
12	MR. HANSEL: Yes. I'm so sorry. Goodness.	12	Q Okay. And the February hearing, your wife
13	THE REPORTER: Just checking.	13	appeared for that, right? February of 2022?
14	MR. HANSEL: No, that's okay. I appreciate	14	A Yes.
15	that. I actually have dyscalculia, which is a form of	15	Q Okay. And were you there also?
16	dyslexia and numbers are sometimes hard. Thank you.	16	A No.
17	BY MR. HANSEL:	17	Q And you certainly knew in February that
18	Q So were you at that trial on February 7,	18	your wife was going to go to this hearing, right? She
19	2022?	19	didn't keep that some kind of top secret information,
20	A No, I was not there.	20	did she?
21	Q Okay. Were you aware that there was a	21	A No.

	Page 287		Page 289
1	Q So you knew that there was a trial	1	complaint to have us leave the house and we agreed.
2	scheduled in February of 2022, right?	2	That was it.
3	A Yes.	3	Q No, sir. The other ones you told me you
4	Q And your wife, when she got home, I'm sure	4	forgot about. I'm asking you, when I asked you earlier
5	told you about the outcome of it, right?	5	about civil cases, did you also forget about this one?
6	A No one went to court.	6	A Yes, yes.
7	Q Okay. Whenever it happened you were aware	7	MR. GOLDBERG: Objection. Form. Same
8	in February of 2022 of the outcome, right?	8	objections as before.
9	A Yeah, I know what it was about. I know why	9	Q So how is it, sir, that you forgot about a
10	it happened, yes.	10	case that resulted in your eviction just three months
11	Q Okay. And it says here that what was	11	ago? How did you forget about that?
12	negotiated by consent was that the eviction would take	12	MR. GOLDBERG: Objection. Form. Asked and
13	place no later than March of 2022. Is that right?	13	answered. You can answer.
14	A We had to be out of the house, yes.	14	A It has nothing to do with what's -- why
15	Q And did you, in fact, leave in early March	15	we're here.
16	of 2022 as a result of this case?	16	Q No, sir. You didn't tell me it has nothing
17	A Yes, we were out of the house.	17	to do with it and that's why you didn't mention it.
18	Q Now, sir, March of 2022 was three months	18	And my question, as you'll remember, called for every
19	ago and you were evicted and had to move out of a house	19	civil proceeding in the history of the world that
20	and there were court proceedings in that case as	20	involved you.
21	recently as four months ago.	21	So what you told me was you forgot about
	Page 288		Page 290
1	So I've got to ask you. How is it that you	1	this in the three months since you were evicted. So
2	didn't mention this one the eight or ten times that	2	now I'm asking you, sir, how is it that in three months
3	I've asked you about civil proceedings in which you	3	you managed to forget about an eviction case?
4	were a party?	4	MR. GOLDBERG: Objection. Form. Asked and
5	MR. GOLDBERG: Objection. Form. And I	5	answered. You can answer.
6	think you have asked this question seven to eight times	6	A I forgot.
7	and you get the same answer every time. So asked and	7	Q Okay. Are you on any medications that
8	answered, but you can answer.	8	affect your memory?
9	A What do you want to know about this?	9	A No, sir.
10	Q Sir, I want an answer to my question.	10	Q Do you have any disabilities that affect
11	Did you forget about this? That you were	11	your memory?
12	evicted three months ago? Did you forget that?	12	A No, sir.
13	MR. GOLDBERG: Objection. Form. Asked and	13	Q Have you had any injuries that affect your
14	answered.	14	memory?
15	THE WITNESS: Answer?	15	A No, sir.
16	MR. HANSEL: Yes.	16	Q When was the last time you smoked
17	MR. GOLDBERG: Yes.	17	marijuana?
18	A The original owner had passed. It belonged	18	MR. GOLDBERG: Objection. Form.
19	to someone else. There were plenty of things that	19	Relevance. You can answer.
20	needed to be fixed in the apartment. They just wanted	20	A Junior high.
21	us out and so they had a formal -- filed a formal	21	Q Okay. When was the last time you ingested

1 edible forms of marijuana? 2 MR. GOLDBERG: Objection. 3 A Never. 4 Q Have you ever used any other drugs without 5 legal authority? That includes illicit drugs and it 6 also includes prescriptions that were not prescribed or 7 used as prescribed. 8 Have you ever used any other drugs without 9 legal authority? 10 MR. GOLDBERG: I'm going to object and 11 direct my client not to answer. At this point, Cary, 12 it's gone beyond the scope of any kind of reasonable 13 inquiry that would be in any way proportionately 14 related to the case. There is no reason for the 15 question. 16 MR. HANSEL: Well, he forgot an eviction 17 that took place three months ago and I think most 18 people would agree that's remarkable. I first asked if 19 he had an injury, I then asked if he had any mental 20 disabilities and so now the only remaining issue is I 21 asked if there were prescription medications and he	Page 291	1 involves State of Maryland versus you. 2 Do you see this? 3 A That says, Junior. 4 Q Is this you or your son? 5 A That's Junior. 6 Q There is a Dartmouth Road apartment in 7 Baltimore. Is that you or your son? I'm sorry. Fair 8 enough. 9 So earlier you didn't recall his date of 10 birth. It says here, May of 1992. Do you agree with 11 me he was born in May of '92? 12 A Yes. 13 Q Okay. So by my count, then, he would have 14 been 18 in May of 2010. Do I have that right? 15 A Yes. 16 MR. HANSEL: Okay. 17 THE REPORTER: Excuse me, Cary. I don't 18 mean to interrupt. 19 (A discussion was held off the record.) 20 BY MR. HANSEL: 21 Q All right. We have now looked at the	Page 293
1 said -- 2 MR. GOLDBERG: So ask a different question 3 as prior drug use may have related and I might have him 4 answer, but to just ask him if he's ever used drugs, 5 I'm not going to stand for that. 6 BY MR. HANSEL: 7 Q Have you ever used any drugs, other than 8 the marijuana in junior high, that might affect your 9 memory? 10 MR. GOLDBERG: Objection. Relevance. 11 Form, but you can answer. 12 A No. 13 Q Do you have any other explanation for how 14 it is that in three months you managed to forget these 15 eviction proceedings? 16 MR. GOLDBERG: Objection. Form. 17 Relevance. Asked and answered, but you can answer. 18 A I just didn't remember it. I remember when 19 were you pull it up, then I recall it, then I can tell 20 you what happened, but I just didn't remember. 21 Q So there is an October, 2017 case that	Page 292	1 Maryland cases. Is it still your position you have 2 never been charged with a crime or any violation of law 3 in any other state? 4 MR. GOLDBERG: Objection. Form. 5 Relevance. You can answer. 6 A That I can remember, no. 7 Q In other words, you have not been charged 8 with a crime or a violation of law in any other state. 9 Is that your testimony? 10 MR. GOLDBERG: Objection. Form. 11 Relevance. Mischaracterization of testimony. He just 12 testified that he can't recall. 13 Q As far as you remember, is that your 14 testimony? 15 MR. GOLDBERG: Objection. Form. 16 Relevance. You can answer. 17 A I don't remember. 18 MR. HANSEL: Okay. All right. Let's go 19 off the record for a very brief time. I'll need five 20 minutes. We'll come back on and I'll be brief and 21 we'll wrap up.	Page 294

<p>1 MR. GOLDBERG: Okay. Thank you. 2 THE WITNESS: Thank you. 3 THE REPORTER: Thank you. 4 (There was a brief recess taken.) 5 MR. HANSEL: Officer, thank you for your 6 time here today. I don't have anything further for 7 you. I appreciate the opportunity to speak. Your 8 counsel may have some questions, but I doubt it. 9 MR. GOLDBERG: I actually do have some 10 questions. 11 MR. HANSEL: Sure. 12 EXAMINATION BY MR. GOLDBERG: 13 Q Mr. Durant, as you know, I'm your counsel 14 in this case, the proceeding against you. 15 In all the cases that we just reviewed, was 16 there any criminal convictions? 17 A No. 18 Q Based on falsifying information? 19 A No. 20 Q As far as you know, are there any 21 allegations in this lawsuit as to theft of any kind?</p>	Page 295	<p>1 investigation that arose out of this lawsuit, would it 2 have been appropriate for you at any time to ask about 3 an Internal Affairs investigation? 4 A Would it be appropriate if I were to ask? 5 Q Yes. 6 A That's their investigation. I don't -- 7 that's their investigation. 8 Q When you were approached to cooperate with 9 the investigation, did you cooperate? 10 A Yes. 11 Q Did you provide a recorded statement? 12 A Yes. 13 Q Did you ever object to assisting in their 14 investigation? 15 A No. I cooperated. 16 Q And were you ever charged criminally for 17 any conduct you exhibited in this case? 18 A No. 19 Q Now, I want to take you through -- I want 20 to go back to the incident. 21 I know you may have testified to some of</p>
<p>1 A No. 2 Q Are there any allegations of you lying 3 about your Statement of Probable Cause? 4 A My Statement of Probable Cause? 5 Q Sorry. In any of the incident reports in 6 this case, at the peace order hearing, are there any 7 allegations that you're lying? 8 A No. 9 Q Have you ever testified at a criminal 10 proceeding as a witness? 11 A Only as an officer. 12 Q So as an officer have you ever had your 13 memory refreshed by seeing a document? 14 A Yes. 15 Q Do you believe that's what happened today? 16 A Yes. 17 Q As to any Internal Affairs investigation, 18 would it have been appropriate for you to ask the 19 status of an ongoing Internal Affairs investigation? 20 A Say it one more time. 21 Q As far as any Internal Affairs</p>	Page 296	<p>1 these questions before, but because it was the last 2 session, I may ask you some repeat questions and my 3 apologies for repeating testimony. 4 How many people did you see when you first 5 got out of your car that day and noticed individuals 6 across the cul-de-sac? 7 A When I got out of my car, two. 8 Q And when you first approached them did you 9 notice how big they were? 10 A Yes. 11 Q Were they both bigger than you? 12 A One was bigger than me, one was about my 13 size or maybe a tad bigger. 14 Q Do you know if Plaintiff was the one who 15 was bigger than you? 16 A Yes. 17 Q Was he much bigger than you? 18 A Yes. 19 Q So you also testified that you turned -- 20 well, let me start with this. 21 Who escalated the verbal exchange between</p>

<p>1 the two of you? I say the two of you, I'm speaking of 2 the Plaintiff and his cohort and then you as the other 3 party. So between the two of those parties, who 4 instigated the verbal language between the two of you?</p> <p>5 A They did.</p> <p>6 Q And they used profane language to your 7 face?</p> <p>8 A Yes.</p> <p>9 Q And despite that profane language did you 10 pull out your firearm at that point?</p> <p>11 A No.</p> <p>12 Q And when you had said your peace to them, 13 that you thought they should get out of there, this 14 isn't where they belong, you did do that, right? You 15 testified to that earlier. That is what you said to 16 them? That they shouldn't be here, this isn't a place 17 to hang out?</p> <p>18 A Yes.</p> <p>19 Q That this isn't place to wait for your 20 bus?</p> <p>21 A Yes.</p>	<p>Page 299</p> <p>1 you were intimidated and maybe even scared when you 2 were speaking with them because of their size, correct?</p> <p>3 A Yes.</p> <p>4 Q So having already spoken to them, did you 5 believe that they were aggressive?</p> <p>6 A They talked very aggressive, yes.</p> <p>7 Q Okay. So your testimony that you were 8 intimidated by their size, maybe even fearful of their 9 size, and understood them to be aggressive in their 10 words, hearing footsteps did you believe that you were 11 about to be assaulted or battered?</p> <p>12 A Yes.</p> <p>13 Q And before that moment, when that fear -- 14 were you afraid in that moment?</p> <p>15 A Yes.</p> <p>16 Q And when you were afraid in that moment, 17 right before that moment, did you -- had you at all 18 mentioned that you had a firearm on your person?</p> <p>19 A No.</p> <p>20 Q Did you reveal your firearm before that 21 moment to the individuals at the scene?</p>
<p>1 Q And despite your politeness towards them 2 and directness towards them, you were faced with surly, 3 profane, frankly rude behavior; is that correct?</p> <p>4 A Yes.</p> <p>5 Q So at this point you turn your back and 6 start to walk away, correct?</p> <p>7 A Yes.</p> <p>8 Q And you don't have any visual sight of them 9 at that point, right?</p> <p>10 A Yes.</p> <p>11 Q And you testified you heard footsteps 12 coming towards your back. Is that right?</p> <p>13 A Yes.</p> <p>14 Q About how fast were the footsteps?</p> <p>15 A Quick pace.</p> <p>16 Q So was it more of, like, you heard someone 17 walking towards your back or was it repeated footsteps 18 in a pattern that made you think someone was coming 19 towards your back?</p> <p>20 A Someone was coming towards my back.</p> <p>21 Q And based on -- you already testified that</p>	<p>Page 300</p> <p>1 A No.</p> <p>2 Q So when you turned around and you did 3 reveal your firearm, correct?</p> <p>4 A Yes.</p> <p>5 Q But it was never pointed in their 6 direction?</p> <p>7 A No, it wasn't ever pointed in their 8 direction.</p> <p>9 Q The barrel of the gun was straight down 10 toward the ground, regardless if it was in front of 11 you, behind you, correct?</p> <p>12 A Yes.</p> <p>13 Q So did you believe in that moment that that 14 was a necessary decision to protect your safety?</p> <p>15 A Yes.</p> <p>16 Q And did you believe it was necessary 17 because your safety was in jeopardy in that moment?</p> <p>18 A Yes.</p> <p>19 Q And do you believe that it was a reasonable 20 decision?</p> <p>21 A Yes.</p>

	Page 303		Page 305
1	Q And in your experience, if someone -- if an	1	A No, sir.
2	officer is attacked from behind or they fear they are	2	Q Would you have stood a chance?
3	being attacked from behind, do you think that the	3	A No, they would have overwhelmed me.
4	person attacking that officer has an advantage in that	4	Q Do you believe that if there is -- just
5	skirmish?	5	because there may or may not -- just because there is a
6	A Yes.	6	No Trespassing sign that someone should be in the
7	Q And before whoever ran at your back did so,	7	private curtilage of another person's property?
8	you noticed that at least one of them had a knife on	8	A No, I believe private property is private
9	their person, correct?	9	property.
10	A Yes.	10	Q When you approached them, were you calm?
11	Q So when you turned around, you also had a	11	A Yes.
12	knife on your person, correct?	12	Q And I'm talking about when -- I'll ask
13	A Possibility, yes.	13	again.
14	Q Can you tell us why you might not have	14	When you first approached them after
15	brandished your knife rather than your firearm?	15	getting out of your vehicle and had not communicated
16	A I didn't want a knife because he might have	16	with them yet, were you calm?
17	some skills with his knife. I wanted the situation	17	A Little nervous. Not calm, but nervous.
18	quelled right then and there. I didn't want an	18	Q But did you raise your voice at them?
19	opportunity of we both stabbing each other for whatever	19	A No.
20	reason. That wasn't my intent.	20	Q Did you yell at them?
21	Q And so when you turned around and	21	A No.
	Page 304		Page 306
1	brandished your firearm did that stop the situation	1	Q A person of that size, did you think he was
2	right then and there?	2	16 years old?
3	A Yes.	3	A No.
4	Q So at any point -- about how long was the	4	Q Have you ever encountered a situation where
5	firearm out of your pocket?	5	you have had to defend yourself with someone running up
6	A Until they walked away.	6	from behind you?
7	Q How long was that?	7	A No, I never had to defend myself against
8	A I'm not sure. Minute, maybe.	8	that.
9	Q In that entire time the firearm, the barrel	9	Q So this is the first and only time that you
10	of the gun, was never pointed in their direction at	10	can recall?
11	all, correct?	11	A Yes.
12	A Yes.	12	Q So despite whatever training or experience
13	Q Okay. So would you believe that the amount	13	you received as an officer this is the first scenario
14	of force that you used was proportional for purposes of	14	where it came to fruition in live action?
15	de-escalating any potential scenario that was about to	15	A Yes.
16	arise?	16	Q Okay. Did you ever see their bus arrive or
17	A Yes.	17	van arrive to pick them up?
18	Q I'm going to ask you a hypothetical.	18	A No.
19	If you didn't have a firearm on you, do you	19	Q Did Howard County charge you with any
20	think that you had the fighting skills necessary to	20	crimes?
21	quell two attackers of their size on you?	21	A No.

<p>1 Q How long after they arrived, how long after 2 the Howard County Police arrived, did they give you 3 your weapon back to you and allow you to go freely? 4 A When they felt that it was -- they had 5 enough information, I guess. Because when it was over 6 they gave it back to me. 7 Q So about how long, best guess, would you 8 say it took to recover your firearm back from the 9 Howard County Police after they temporarily confiscated 10 it? 11 A From when they took it? 12 Q Yes. 13 A Maybe five minutes. 14 Q You're an officer. If you believe someone 15 else had committed a crime and had a gun on them would 16 you give them their firearm back if you thought they 17 had committed a crime? 18 A Well, if it wasn't a police officer and 19 they had a gun, they probably would be in handcuffs 20 before -- you know, during that situation. 21 Q Well, let's change the hypothetical.</p>	Page 307	<p>1 A Yes, I wouldn't have never done that. 2 Q Is it possible that your fear tricked you 3 into thinking you heard footsteps running up from 4 behind you? 5 A No, that's what I heard. 6 Q When you turned around quickly, did you 7 recognize which individual was running toward you? 8 A What did we call him last time? 9 Q There is a Mr. Brian Hatcher? 10 A Mr. Hatcher was the closest to me. 11 Q So of the two individuals who are alleging 12 that -- Mr. Nicholson in this case is alleging that a 13 firearm was pointed in his face. I believe. Don't 14 quote me on that. I'd have to go back to the 15 Complaint. The point is, that the barrel of the gun 16 was raised towards his direction. 17 If that were the case, would the gun have 18 been raised in his direction or would it actually have 19 been raised in Brian Hatcher's direction? 20 A Well, if it was raised, if I raised it, 21 which I did not, it would have been Mr. Hatcher.</p>
<p>1 If someone had a knife on their person that 2 was legal, but you saw them breaking and entering, 3 would you give them their knife back if you thought 4 they had just committed a burglary? 5 A No. 6 Q Do you think, in your opinion, that Howard 7 County Police thought you committed a crime that day? 8 A I don't think they thought I committed a 9 crime, no. 10 Q In your capacity as an officer have you 11 ever stopped an individual for being on private 12 property? 13 A Yes. 14 Q Was it your understanding that when you 15 stopped those two individuals that day that you were 16 questioning them and were going to walk away and live 17 your life without issue? 18 A That was the plan once I was walking away. 19 Q So you think had you not heard them running 20 up behind you, you would not have turned around and 21 de-holstered your weapon?</p>	Page 308	<p>1 Q Because he was close to your person when 2 you turned around, correct? 3 A Yes. 4 Q Do you know why he's not a witness to this 5 suit? 6 A No. 7 MR. HANSEL: He is a witness. 8 Q Do you know why he's not a party to the 9 suit? Thank you, Cary. 10 A No. 11 Q When you testified that the Baltimore 12 Police, quote, teach us to draw firearms, unquote, did 13 you mean that in every single circumstance that you 14 ever encounter as a police officer you're taught to 15 draw your firearm? 16 A No. 17 Q Did you mean that in certain circumstances 18 where you believe it's necessary, reasonable and 19 proportional drawing your firearm may be required? 20 A Yes. 21 Q Do you believe that this was a situation,</p>

<p>1 based on your experience, that it was necessary to draw 2 your firearm?</p> <p>3 A Yes.</p> <p>4 Q That it was reasonable to draw your 5 firearm?</p> <p>6 A Yes.</p> <p>7 Q And that it was proportionately related to 8 the amount of force that could have been thrust upon 9 you?</p> <p>10 A Yes.</p> <p>11 Q I think it's fair to say, Mr. Nicholson, 12 based on your testimony, that you have had some 13 financial issues. Would you characterize that as 14 correct?</p> <p>15 THE REPORTER: I'm sorry, Mr. Nicholson?</p> <p>16 Q I'm sorry. Mr. Durant.</p> <p>17 It would be fair to say that you have had 18 some financial issues in the past, correct?</p> <p>19 A Yes. Still do.</p> <p>20 Q Despite having those issues, have you ever 21 had an allegation of impropriety when it pertains to</p>	Page 311	<p>1 Mr. Nicholson's sister, anyone, see you with your 2 firearm out of your pocket at all?</p> <p>3 A No.</p> <p>4 Q Did you ever tell Mr. Nicholson or 5 Mr. Hatcher that they were under arrest?</p> <p>6 A No.</p> <p>7 Q Did you ever tell them that they were not 8 free to leave?</p> <p>9 A No.</p> <p>10 Q Now, let's break that down. Did you ever 11 tell them that they were not under arrest? Did you 12 ever tell them they were under arrest up until the 13 moment where your back was turned and you were walking 14 away?</p> <p>15 A Never told them they were under arrest.</p> <p>16 Q Did you ever tell them they were not free 17 to leave at any point until the moment where your back 18 was turned?</p> <p>19 A No.</p> <p>20 Q In fact, all you wanted them to do was 21 leave, correct?</p>	Page 313
<p>1 confiscation of evidence on the job?</p> <p>2 A No.</p> <p>3 Q Stealing money?</p> <p>4 A No, sir.</p> <p>5 Q Stealing drugs?</p> <p>6 A No, sir.</p> <p>7 Q Stealing firearms?</p> <p>8 A No, sir.</p> <p>9 Q So do you believe it's a fair 10 characterization that any financial issues are separate 11 from any of the allegations in this matter?</p> <p>12 A Yes.</p> <p>13 Q Do you know exactly what Mr. Nicholson is 14 claiming caused his damage in this case?</p> <p>15 A Not exactly, no.</p> <p>16 Q Was anyone -- were there any witnesses 17 besides Brian Hatcher to your firearm being out of your 18 pocket?</p> <p>19 A Not that I know of, no.</p> <p>20 Q Did any of the individuals who arrived on 21 scene, any individuals, police, Erica Hamlet,</p>	Page 312	<p>1 A Yes.</p> <p>2 Q Do you believe that they refused to leave 3 the area?</p> <p>4 A Yes.</p> <p>5 MR. GOLDBERG: I have no further questions.</p> <p>6 MR. HANSEL: I have a single question 7 follow-up.</p> <p>8 EXAMINATION BY MR. HANSEL:</p> <p>9 Q The first person to speak during the 10 interaction was you speaking to them, right?</p> <p>11 A Yes.</p> <p>12 MR. HANSEL: Nothing further. Thank you.</p> <p>13 Madam Reporter, we'll take a big one, a 14 small one. If you e-mail it to me, that's awesome. I 15 think I gave the order last time, but it's the same 16 one. That's it from me.</p> <p>17 THE REPORTER: Very good. Mr. Goldberg?</p> <p>18 MR. GOLDBERG: Read and sign, please, and 19 I'll take a big and a small.</p> <p>20 MR. HANSEL: And I like mine ASCII and PDF, 21 both, please. Anybody else need anything before I log</p>	Page 314

1 out? 2 MR. GOLDBERG: No. Thank you, Mr. Hansel 3 and Ms. Carranza. And thank you, Sue, I appreciate it. 4 THE REPORTER: Sure. Thank you. 5 (Deposition was concluded at 12:26 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Page 315	1 ERRATA SHEET 2 Case: Nicholson vs. State of Maryland, et al. 3 Witness: DAMOND DURANT (Volume II) Date: 6/30/2022 4 PAGE/LINE SHOULD READ REASON FOR CHANGE 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____
1 CERTIFICATE OF DEPONENT 2 3 I hereby certify that I have read and 4 examined the foregoing transcript, and the same is a 5 true and accurate record of the testimony given by me. 6 7 Any additions or corrections that I feel are 8 necessary will be made on the Errata Sheet. 9 10 _____ 11 12 13 DAMOND DURANT 14 15 _____ 16 17 Date 18 19 (If needed, make additional copies of the Errata Sheet 20 on the next page or use a blank piece of paper.) 21	Page 316	1 State of Maryland SS: 2 I, SUSAN M. LIEBRECHT, a Notary Public of the 3 State of Maryland, Carroll County, do hereby certify 4 that the within-named witness personally appeared 5 before me at the time and place herein set out, and 6 after having been duly sworn by me, according to law, 7 was examined by counsel. 8 I further certify that the examination was 9 recorded stenographically by me and this transcript is 10 a true record of the proceedings. 11 I further certify that I am not of counsel to 12 any of the parties, nor in any way interested in the 13 outcome of this action. 14 As witness my hand and notarial seal this 15 15th day of July, 2022. 16 17 _____ 18 Susan M. Liebrecht, RPR Notary Public 19 My Commission Expires: 20 September 8, 2025 21

WORD INDEX	18th 237:18 240:18 1992 293:10 19th 171:14 238:1 < \$ > \$1,889.09 275:16 276:3 \$1,900 275:16 \$100,000 225:5 \$14,000 248:12 \$300,000 229:8 230:6, 12 232:18 239:3 \$350 262:15 \$450 263:1 \$5,000 240:15 \$55,000 220:2 \$60,000 239:13, 16, 21 240:5, 17 \$74,000 282:1 < 0 > 08 265:16 09 235:6 < 1 > 1:20-cv-03146 170:7 100 171:14 100,000 225:1 1000 248:7 105 261:21 107 224:21 12:26 315:5 14 248:11 1500 249:6 15th 318:15 16 281:5, 15, 16 282:3, 7 306:2 16,000 224:20 167 225:16 16th 221:2 17 197:14 173 172:6 17th 221:2 222:6 18 235:8 237:3, 6, 10, 14 259:1 280:14 281:7, 16 282:3 293:14 < 2 > 2/22/1972 2000 261:3 2002 284:8, 11 200-plus 259:12 2010 293:14 2014 220:2 2015 277:11 2017 235:7, 9, 17 244:13 2019 220:19 221:3 222:6 2020 225:4 2021 197:14 224:14, 19 225:4 285:20 286:9 2022 170:14 172:3 284:11, 19 286:3, 6, 9, 13 287:2, 8, 13, 16, 18 318:15 2025 318:20 203 269:20 21 247:2, 8 21202 171:15 21218 171:7 227,000 251:18 2514 171:6 268 257:2 27 249:10 2704 258:4, 6, 8, 12 28 244:13 295 172:7 < 3 > 30 170:14	172:3 300 246:10 300,000 229:6, 21 231:8 232:1 238:6 239:9 301-461-1040 171:8 305 262:1, 9 30's 249:1, 10 314 172:6 3-5-0 262:9 3500 177:4 3511 225:19 3-5-1-1 225:20 < 4 > 410-685-1120 171:16 452,000 244:14 245:16 246:9 4985 269:20 270:1 < 6 > 6/30/2022 317:3 60 246:19 60,000 239:7, 12 246:14 60-some 239:6 < 7 > 7 244:13 284:8, 18 75,803.83 246:15, 18 < 8 > 8 318:20 < 9 > 9:23 170:14 90,000 224:14 90's 234:15, 16, 19, 20, 21 9105 192:18 193:1 92 293:11 95 243:9 252:18	99 235:5, 6, 8 < A > a.m 170:14 abandoned 216:9, 16 able 183:7, 8 251:11 accident 243:9, 12 accidents 243:6 249:14 252:17 268:7 account 223:19 237:18, 21 238:3, 20 239:13 accurate 316:5 action 306:14 318:13 actions 188:4 199:18 205:15 activity 178:2 actual 250:15 additional 316:19 additions 316:7 address 213:3 257:10 261:1 265:3 269:21 270:6 addresses 284:1 adjustable 266:12 admit 264:8 adopt 271:3 advantage 303:4 Affairs 179:17 187:7 190:4 205:17, 21 206:13 207:2, 7, 9 208:4, 14, 17 209:2, 4 211:8, 304:13 311:8 answer 178:21 180:11, 17, 18, 20 181:15 182:1, 8, 16, 21 183:11, 19 184:3 186:6, 11
-------------------	---	--	---

187:19 196:8	290:5 292:17	arrest 259:20 313:5, 11, 12, 15	179:9, 11 assisting 297:13 Associates	back 173:11, 13 175:7, 9 180:21 181:19, 20
197:2, 8 198:13	answers 264:16	arrested 260:5	270:4, 10	182:5 201:11
199:14, 20	anybody 175:7	arrive 306:16, 17	273:21 274:13	228:18 233:14
200:7, 12 201:9, 13	184:11, 15, 17	arrived 307:1, 2	212:7	241:13 259:12
202:2	185:16 189:20	312:20	215:16 222:17	279:21 294:20
203:13 204:20	207:18, 19, 20	article 222:4, 5, 7	263:18	297:20 300:5, 12, 17, 19, 20
205:8 206:2	211:3, 14	Asked 180:16	attacked 200:1	303:2, 3
207:11, 12	213:13 216:2, 7, 8, 20	181:14, 21	304:21	308:3
209:16 211:10	219:6	182:7, 15	attacking 303:4	309:14 313:13, 17
215:10, 15, 21	259:21 314:21	183:10, 18	attempt 199:4	background
216:5, 11, 18	anyway 248:17	185:9 195:17	attempted	244:11
217:3, 10, 21	apartment	199:17 200:11	193:21	bad 234:11
218:11 219:9	288:20 293:6	206:1 207:17	attempts 198:3	badge 225:11, 17, 19
222:12 223:7, 12, 16, 21	apologies 298:3	215:4, 9 216:4, 10	attended 191:3	Baker 171:13
224:4, 17 225:8	apologize 185:3	217:2, 9	attendees 191:4	Ball 189:8, 11, 15 206:9, 10, 14
226:5	228:5	219:8 220:9	attorney 261:7	Baltimore
227:9 228:12	apparently	222:11, 20	262:21	171:7, 15 180:9
230:5, 11, 17	262:12	223:15, 20	attorney/client	185:16 196:5, 10, 15 197:16
232:13, 20	APPEARANCE	224:3 226:4, 6	204:4	198:6 214:4
233:7, 12, 21	S 171:1	230:16 232:12	attorneys	218:16 220:18, 21
234:5 235:11, 19	appeared	255:13 262:19	213:12	221:9 222:4, 7
236:3	286:13 318:4	263:3 267:3, 17	audio 207:21	224:6 225:5
243:15 248:1	appreciate	271:12 274:17	authored 198:2	250:6 257:11
252:4, 10	271:7 284:14	275:4, 19	authority 291:5, 9	266:6 293:7
254:11, 12, 14	295:7 315:3	278:19 283:4	available 194:21	310:11
255:18 256:12	approach	288:3, 6, 7, 13	Avenue 260:17	bankruptcy
264:3, 11, 21	264:17 273:13	289:4, 12 290:4	261:1 265:3, 8, 13	243:17, 19, 21
266:19 267:8, 14	approached	291:18, 19, 21	avoid 244:1	244:9, 13, 20
268:1	297:8 298:8	292:17	251:21 252:7	245:13, 14
279:15 283:8, 16	305:10, 14	asking 177:13	279:20	246:8 249:13, 18
288:7, 8, 10, 15	appropriate	179:12 189:15	award 229:14, 17, 20	250:4 252:1, 6, 8, 11
289:13	199:7 296:18	204:4, 14 205:2	231:16	254:2
290:5, 19	297:2, 4	218:5 220:3	251:17	268:10
291:11 292:4, 11, 17	approximate	232:16 243:3	awarded 229:3, 11	barely 259:1
294:5, 16	232:1	254:21 255:10, 11	231:8 233:2	barrel 302:9
answered	approximately	256:4 268:4, 12	280:6	304:9 309:15
180:17 181:15	178:9 244:14	271:21	aware 188:12	based 251:6
182:1, 8, 16	245:16	272:5 273:2	200:17 215:18	260:2 295:18
183:11, 19	area 192:20	289:4 290:2	224:9 250:20	300:21 311:1, 12
195:18 200:12	314:3	assaulted	251:2, 6 284:21	basis 174:14
206:2 215:10	areas 192:18	301:11	285:17 287:7	194:19 204:3
216:5, 11 217:3, 10	201:7	assigned	awesome 314:14	
219:9	argumentation	176:21 225:12		
220:10 222:12, 21	264:14	assistance	< B >	
224:4 226:5	Argumentative			
230:17 232:13	198:13 264:21			
255:14 288:8, 14	arising 203:11			
289:13	205:4			
	arose 297:1			

battered 301:11	bought 239:18, 19 282:12	17 221:9, 13, 19 222:9 224:13	17 257:1, 6, 17 258:13 259:4,	change 224:21 307:21 317:4
beginning 283:5	boys 181:19 188:5	259:14 265:15 266:12 275:5	14 260:11 261:3 265:6, 15,	Chapter 244:13
BEHALF 171:3, 11	BPD 224:13 303:15 304:1	276:10 289:18 brandished	18 268:6, 7, 11, 15, 17, 21	characterization 312:10
behavior 300:3	303:15 304:1	brandishing 180:7	Calls 180:10 182:20 183:19	characterize 311:13
believe 201:6 283:11, 13, 17 296:15 301:5, 10 302:13, 16, 19 304:13 305:4, 8 307:14 309:13 310:18, 21 312:9 314:2	break 241:3, 6 313:10	215:14	18 273:15 calm 182:13 305:10, 16, 17	charge 210:1, 9 215:8 306:19
belong 299:14	Brian 309:9, 19	222:14 308:2	277:7, 11, 16, 21	charged 209:6, 13, 20 210:20
belonged 288:18	312:17	breaking 222:14 308:2	278:10 279:12, capacity 308:10	211:3 212:3
benefit 237:1	brief 241:12	Brian 309:9, 19	19 280:3	254:5, 7, 13
best 232:18 307:7	294:19, 20	312:17	captain 211:14	255:1, 5, 11, 19
beyond 291:12	295:4	brief 241:12	car 243:6, 9, 11	256:4 261:15
big 187:14 298:9 314:13, 19	bring 260:11 267:19	294:19, 20	249:14 252:17, 18 253:11, 12	262:20 263:10, 16 268:2, 3
bigger 298:11, 12, 13, 15, 17	broke 219:13 242:5 259:16	295:4	287:16, 20	294:2, 7 297:16
bike 247:13 248:1, 6, 10	276:9 277:4	bring 260:11	268:7 282:9, 12	charges 209:2, 3, 10 210:3, 5, 18 211:4, 12, 15, 18 213:6, 13
biologically 271:9, 10	broken 249:11 267:15 273:5	broke 219:13 242:5 259:16	298:5, 7	214:15 216:8, 14, 15 220:18, 20 221:8, 17
birth 234:2, 6 260:19 261:1	brought 250:5 267:15 273:5	brought 250:5 267:15 273:5	care 216:21	254:4 263:21
birthday 234:11, 12 237:19 238:1	bull 177:21 178:3, 4, 5, 7	bull 177:21 178:3, 4, 5, 7	Carroll 318:3	267:15 268:16
bit 173:12 241:16	179:2	179:2	cars 239:19, 21	Charles 171:6
Black 189:7 276:10 277:5	bunch 244:3	bunch 244:3	240:4, 6, 7, 12, 18 282:5, 6	Chaz 189:8
Black-Thaxton 277:17, 21 278:1, 8	burglary 308:4	burnie 175:5	171:20 315:3	206:9
blank 316:20	bus 299:20 306:16	bus 299:20 306:16	Carroll 318:3	check 213:17
board 209:7	buy 174:19 239:18, 20	buy 174:19 239:18, 20	cars 239:19, 21	232:6, 16, 18
Bobbitt 184:21	240:4 282:9	buying 266:11	240:4, 6, 7, 12, 18 282:5, 6	238:7, 8, 14
body 181:13	< C >	buying 266:11	171:20 315:3	checking 284:13
born 234:8, 10, 14, 17 235:5, 7	call 176:14 183:9 188:17	< C >	Case 170:6	checks 246:21
260:18 293:11	212:14 221:1, 12, 21 224:21	call 176:14 183:9 188:17	179:16 192:8, 9, 12 197:12	child 279:7, 8, 12, 17, 18, 20
	225:10, 12, 18	212:14 221:1, 12, 21 224:21	202:18, 20	280:12 283:3
	241:8 309:8	225:10, 12, 18	203:6 205:11, 13 207:4	choose 281:19
	called 173:4 179:4, 5 183:17,	241:8 309:8	210:16 214:1, 12 217:7	Circuit 249:19, 20, 21 250:5, 6, 10, 21 251:2, 5
	21 202:13, 15,	241:8 309:8	219:20 220:20	circumstance 310:13
		241:8 309:8	223:4 229:1	circumstances 310:13
		241:8 309:8	233:5, 10	200:1 266:9
		241:8 309:8	241:17 244:7, 10, 20 245:13	310:17
		241:8 309:8	249:12, 13	CIT 177:1
		241:8 309:8	250:3, 5 256:16,	213:2

cited 249:20	coming 204:1	confirming	228:2 230:9	255:1, 5, 9, 11,
citing 246:15	232:4, 7 238:7,	214:9	235:17 273:8	12, 20 256:4
City 177:3	8 300:12, 18, 20	confiscated	277:13 300:3, 6	294:2, 8 307:15,
180:9 196:5, 10,	commands	307:9	301:2 302:3, 11	17 308:7, 9
15 197:17	199:8	confiscation	303:9, 12	crimes 306:20
198:6 219:13	commencing	312:1	304:11 310:2	criminal 254:4
220:2 222:16	170:14	connection	311:14, 18	263:21 268:11,
224:6 225:5	comment 221:1,	200:21 203:18	313:21	15, 16, 21 269:9
250:6 277:16,	12, 17	204:10, 18	corrections	271:20 272:15
20 278:3, 7	Commission	207:8 208:3	316:7	295:16 296:9
civil 259:14	318:19	219:12 258:13	cost 240:14	criminally
268:21 269:1, 9	committed	262:15	248:10, 21	297:16
271:13, 20	254:17, 18, 19	consent 287:12	249:7	cul-de-sac 298:6
272:15 274:17	255:10 307:15,	Constantino	costs 261:21	current 242:6
275:19 278:21	17 308:4, 7, 8	212:10, 18, 21	Counsel 260:9	cartilage 305:7
283:4 288:3	committing	213:9	295:8, 13 318:7,	custody 280:2,
289:5, 19	255:9	Constantino's	11	4, 6
claim 227:14	common	212:11	count 263:8	< D >
253:16	192:18, 20	contacted	293:13	damage 312:14
claiming 312:14	215:12	203:17	countersuit	damages 251:18
clear 250:14	communicated	continue 245:9	228:19	DAMOND
262:10 268:19	203:18 305:15	continued	country 218:9	170:12 172:2
cleared 181:9,	communication	170:12	County 283:19	173:3 194:10
12	219:6	continuing	306:19 307:2, 9	226:3 244:12
clearly 208:12	communications	174:17 236:8	308:7 318:3	247:11 256:21
250:14 255:15,	173:15 204:5	245:5 257:19	couple 203:20	257:6, 7 258:4,
18	comp 243:8, 12	260:14	212:2 239:18	11 260:21
client 234:4	249:13 252:19	contract 257:6	244:21	265:17 270:5
264:11 291:11	253:16 268:7	conversation	course 224:9	276:11 278:11,
close 177:6, 7	company 259:9	178:12	252:20 253:5, 6,	18 280:15
208:6, 7 310:1	compare 192:1	convicted	7, 9 263:13	282:16 283:20
closed 276:5	complaint	254:20	COURT 170:2	284:1, 5 316:13
closest 309:10	186:13, 15, 18,	convictions	188:10, 18	317:3
clothes 239:18,	20, 21 187:1, 12,	295:16	191:13, 14, 19	Dartmouth
21 240:18	17, 20 188:8	convincing	220:20 221:7	293:6
Coates 261:8	205:18 207:6, 9	250:15	230:8 231:2, 5,	dash 276:10
cohort 299:2	219:12, 14, 16,	cooked 190:8	6 233:1, 3	277:5
collect 238:9	20 220:4 289:1	cooks 192:10	239:8 241:7	database 193:9
Columbia	309:15	cooperate	cooperate 243:18, 19	date 174:2, 3
269:20 270:1	Comptroller	297:8, 9	245:13, 17	188:10 197:13
come 175:7	275:6	cooperated	246:14, 15, 16	210:13 222:5
190:14 207:20	concerned	297:15	249:18, 19, 20,	234:2, 7 260:19
210:1 218:8	187:15, 16, 20	copies 316:19	21 250:4, 5, 6,	261:1 277:11
227:18 228:14	190:6, 17 192:8	copy 195:6, 13,	10, 21 251:2, 5,	293:9 316:17
231:18 252:15	concluded 315:5	14, 15, 20	9, 10, 11 261:21	317:3
253:1 257:2	conclusion	Corporation	275:2, 3 285:18	dates 274:11
261:12 266:9	180:11	258:19	287:6, 20	285:18
294:20	conduct 250:1,	correct 197:6	courts 229:7	daughter
comes 188:14	7 297:17	200:5 210:12	254:5, 7,	270:20 271:1, 2
	confirm 212:16	224:15 225:1, 6	13, 17, 18, 19	

Davey 206:19, 20	de-holstered 308:21	direction 302:6, 8 304:10	documentation 214:8	10 276:11
day 173:13 175:10, 21 179:2, 4 183:13 184:7, 13 185:21 186:3, 12, 14, 16 188:1, 5 193:8 226:6 251:10 298:5 308:7, 15 318:15	department 176:15 180:2, 9 185:17 196:5, 11, 15 197:5, 17 198:7 214:14 215:7, 13 216:9 218:17, 19 225:6, 13	directness 300:2 disabilities 290:10 291:20 discipline 219:2 disciplined 278:7	documents 207:18 242:19 273:12	278:10, 11, 18 280:16 282:16 283:20 284:1, 5 295:13 311:16 316:13 317:3
days 203:20 208:7	departmental 178:7 219:21	discovery 194:13, 15, 20 195:2 245:4	dollars 247:2, 7 Donelson 171:13	duty 253:13 dyscalculia 284:15
deadline 215:7, 12	Department's 209:13	discuss 178:13 184:10, 14 211:4, 6 213:5, 12	door 285:15 doorbell 213:17 doubt 295:8 draw 200:9 310:12, 15 311:1, 4	dyslexia 284:16 <E>
deal 187:14	depending 207:11	discussed 185:20 191:20 198:3 204:9 211:8	drawing 180:7 199:12, 17, 19 310:19	eager 215:3
dealer 174:9, 19	DEPONENT 316:1	discussion 241:11 293:19	drawn 185:13, 17	earlier 182:11
dealing 204:21 205:1	deposition 170:12 172:2	Disimone 195:10	drew 181:2, 6 200:4, 14	209:1 213:3
dealings 205:2	194:17 202:16	dismiss 210:11 221:7	drive 282:7, 12	246:13 259:4
debt 243:21 244:3, 14 245:16, 17 246:5	203:16 315:5	dismissal 205:9, 10 210:14	driving 261:10, 15 262:4, 15	262:19 263:2
debtors 244:13	depositions 203:20	dismissed 205:11 209:2, 3	drop 216:8	267:3 271:12
December 263:6	describe 189:6	210:10, 17, 20	dropped 216:9, 16	275:19 276:8
decision 220:15 302:14, 20	206:15	214:1, 9, 12	drove 252:19	278:19 283:4
declined 221:1, 11 264:11	described 175:10 191:4	220:19 221:17	253:9	289:4 293:9
deduce 183:5, 15	description 260:3	disposition 205:11 209:2, 3	drug 292:3	299:15
de-escalate 182:14 198:3, 8	despite 299:9 300:1 306:12	210:10, 17, 20	drugs 291:4, 5, 8 292:4, 7	early 234:19
de-escalating 304:15	311:20	214:1, 9, 12	312:5	287:15
de-escalation 199:4 201:1	detective 194:10	220:19 221:17	due 229:8	edible 291:1
defend 306:5, 7	determine 242:18	dispute 225:3 228:1 262:4	230:9	efficiently 173:9
defendant 245:19 250:11 258:4 275:7 276:14 278:17	determined 229:7 230:8	disrespect 217:13	duly 173:4	eight 235:6
Defendants 170:8 171:11 270:9 283:21	died 228:9	distinction 218:15	318:6	278:20 288:2, 6
defense 197:21 261:7 262:21	different 271:7 274:10, 11, 12 292:2	DISTRICT 170:2, 3 243:18	DURANT 170:12 172:2	either 200:17
defined 197:1	difficult 283:10 dinner 190:7, 18 191:6	173:3 174:20 194:10 195:6, 9	173:3 174:20	222:8
	direct 291:11 directing 234:4	226:3 244:7, 8, 12 247:11	194:10 195:6, 9	elicit 204:6
		document 194:16, 19	226:3 244:7, 8, 12 247:11	Email 171:9, 17
		196:19, 20	256:21 257:6, 7	e-mail 195:5
		197:13 245:3	258:4, 12	314:14
		264:9 296:13	260:21 262:12	employed 212:19
			265:16, 17	employee 224:11
			269:14 270:4, 6,	encounter 184:11, 14
				310:14
				encountered 306:4
				ended 252:20
				280:12
				enter 192:18
				193:1
				entered 193:2
				245:18, 20

246:6 263:1	Examination	Fair 194:3	244:12 252:1, 8,	footsteps
entering 308:2	172:5 173:7	196:16 197:5,	11 265:16	300:11, 14, 17
entire 174:14	295:12 314:8	11 201:1	274:12 275:4,	301:10 309:3
191:1 236:9	318:8	208:10, 11	10 277:7 279:4	FOP 188:20
272:12, 13	examined	222:10, 13	285:20 288:21	190:4 222:15,
304:9	173:6 207:20	293:7 311:11,	files 260:11	17
Erica 183:16	316:4 318:7	17 312:9	filings 188:13	force 179:20
193:7 203:7	exchange	Falls 284:1	fill 180:1	180:2, 6, 8, 12
312:21	298:21	false 250:13	Financial 257:7	194:3 196:12,
Errata 316:8,	Excuse 262:8	falsifying	258:19 259:7	14 197:11
19 317:1	293:17	295:18	311:13, 18	198:16, 21
escalated	exhibited	familiar 256:16	312:10	199:5 201:1
298:21	297:17	family 175:12	find 283:10	304:14 311:8
ESQUIRE	exhibits 257:19	fancy 240:10, 18	findings 249:19	foreclosed
171:4, 12, 20	expensive 240:8	far 215:18	fine 218:14	266:21 267:11
establish 210:19	experience	242:11 294:13	261:21 271:6	foreclosure
estate 230:3, 7,	303:1 306:12	295:20 296:21	fined 262:14	265:6, 15
8, 15 232:11	311:1	fast 300:14	firearm 173:12,	268:13
233:17 236:18	expert 201:3, 7	father 234:11	16 180:7	foreclosures
et 170:7 270:5	Expires 318:19	father-in-law	207:20 299:10	269:17
276:11 317:2	explain 216:2	184:18 185:6,	301:18, 20	foregoing 316:4
Eubanks	238:16 240:19	12	302:3 303:15	forgot 189:5
259:14, 16	explanation	father-in-law's	304:1, 5, 9, 19	206:14 212:13
event 179:5	292:13	184:19	307:8, 16	214:7 267:12
184:15 191:11	extent 173:10	favor 231:8	309:13 310:15,	283:2, 6, 11, 14
208:4	extraction	244:2 246:6, 10	19 311:2, 5	288:11, 12
events 174:1	217:19	fear 301:13	312:17 313:2	289:5, 11 290:3
175:10 176:15	eye 217:19	303:2 309:2	firearms 174:9	292:14
204:16 248:16	<F>	fearful 301:8	310:12 312:7	forgot 267:11
277:15	F-150 249:5	February	first 173:4	289:4, 9, 21
Everybody	face 299:7	277:11 284:8,	181:12 193:12	290:6 291:16
279:18	309:13	18 286:2, 6, 9,	208:18 212:13	form 178:20
evicted 287:19	Facebook	12, 13, 17 287:2,	226:6 241:5	180:10 182:7,
288:12 290:1	190:16 192:9	8	245:2 291:18	15 183:10, 18
eviction 285:7,	223:13 247:10	Federal 194:21	298:4, 8 305:14	184:2 186:5, 11
9, 10 287:12	faced 300:2	federally 174:8	306:9, 13 314:9	187:18 195:17
289:10 290:3	facing 219:2	feel 316:7	Fischer 265:16	196:7, 18 197:7
291:16 292:15	fact 183:6	fellow 211:17	five 273:19	198:12 200:6,
evictions 285:16	196:14 197:10	276:16, 20	294:19 307:13	11 201:8 202:1
evidence	225:4 250:11	felt 307:4	five-minute	203:12 204:19
213:18 250:15	312:1	female 212:15	241:3	205:7 206:1
evidentiary	276:20 287:15	fight 279:21	fixed 288:20	207:10 209:15
245:2	313:20	280:2, 4	Floor 171:14	211:9 215:9, 14,
exact 174:2, 3	facts 227:6	fighting 304:20	folks 218:7	20 216:4, 10, 17
229:21 258:15	failed 275:15	figure 195:5	follow 215:3	217:2, 9, 20
exactly 189:21	failure 210:6	214:3	273:20	218:10 219:8
233:2 235:2	270:12, 13	file 179:19	follows 173:6	220:9 222:11,
250:16 312:13,	271:15, 18	233:9	follow-up 314:7	20 223:6, 11, 15,
15	274:7, 13	filed 187:1		20 224:3 226:4
		205:18 243:17		230:10, 16

231:11 232:12, 19 233:6, 11 234:3 252:3, 9 255:13 264:2, 10, 20 266:18 267:7, 13, 21 279:14 283:7, 15 284:15 288:5, 13 289:7, 12 290:4, 18 292:11, 16 294:4, 10, 15 formal 288:21 forms 291:1 forth 279:21 fought 237:17 found 201:19 209:20 210:14, 16 220:8, 14 221:7 Foundation 186:10 187:19 202:2 207:11 209:16 223:12 230:11 268:1 four 273:19 287:21 fourth 199:3 frankly 300:3 Fraternal 188:21 free 313:8, 16 freely 307:3 friendly 177:8 front 181:3, 5, 7, 9, 10, 13, 16 302:10 fruition 306:14 FTPR 273:20 274:7 full 212:11 250:12 Fulton 260:17 261:1 further 295:6 314:5, 12 318:8, 11 future 201:21 202:5	< G > garnished 282:21 283:3, 12 Gates 270:4, 9 273:21 274:13 gather 213:18 getting 209:6 231:21 232:5 234:11 252:5 278:3 305:15 Give 174:5 193:17 199:7 205:20 219:14 234:13 237:4, 10, 14 238:13 239:1 247:7 256:14 307:2, 16 308:3 given 208:13 210:15 218:16 238:6 276:19 316:5 Glen 175:5 Go 176:9 177:13 188:18 195:20 201:11 231:6, 19 233:1, 3 241:5, 10, 13 251:13 255:19 258:3, 4 274:2 286:18 294:18 297:20 307:3 309:14 goal 173:9 going 173:9 174:12 179:13, 16 190:8 206:18 208:2 216:21 217:1, 14 237:7, 9 244:21 247:16 248:11 249:14 255:2 256:15 259:12 260:12 264:8, 18 266:13 268:5, 14 273:18 274:6 275:1, 5	281:14 286:18 291:10 292:5 304:18 308:16 GOLDBERG 171:12 172:7 174:12, 18 178:20 180:10, 16, 20 181:14, 21 182:7, 15, 20 183:10, 18 184:2 186:5, 10 187:18 194:12, 16 195:17 196:7, 18 197:7 198:12 199:13, 20 200:6, 11 201:8 202:1 203:12 204:3, 19 205:7 206:1 207:10, 15 209:15 211:9 215:9, 14, 20 216:4, 10, 17 217:2, 9, 20 218:10 219:8 220:9 222:11, 20 223:6, 11, 15, 20 224:3, 16 225:7 226:4 227:8, 15, 19 228:3, 11, 16, 20 229:2, 5, 10, 15 230:4, 10, 16, 21 231:4, 11 232:12, 19 233:6, 11, 20 234:3, 9 235:10, 14, 18 236:2, 7, 11 241:2, 8 244:21 245:8 247:16, 20 252:3, 9 255:13, 17 257:18 260:9, 15 264:2, 10, 20 266:18 267:7, 13, 21 279:14 283:7, 15 288:5, 13, 17 289:7, 12 290:4, 18 291:2, 10	292:2, 10, 16 294:4, 10, 15 295:1, 9, 12 314:5, 17, 18 315:2 good 192:4 241:2, 8 314:17 Goodness 284:12 graduated 281:5, 7 grandmother 190:3 227:20 228:5 229:9 232:14, 15 280:8, 10, 11 grandmother's 236:14 grant 236:8 245:5 247:18 260:12 granted 174:13 201:17 grass 253:10 greatest 173:10 Gresham 257:10, 13 258:5, 6, 9, 12 ground 302:10 grounds 193:1 GSX-R 248:7 guess 184:6 202:14 207:3 211:11 212:2 217:6, 11 218:12, 13 232:21 236:6 249:1 254:15 259:9 307:5, 7 guilty 262:3, 5, 15 gun 181:5, 8, 9, 10 182:19 183:3, 7, 8, 15, 16 185:14, 18 188:5 199:21 200:5, 9 302:9 304:10 307:15, 19 309:15, 17	guy 189:7 206:16 < H > Hamlet 183:16 192:18 193:2, 7 203:7 205:3 215:2 312:21 Hamlet's 191:5 hand 318:14 handcuffs 307:19 handed 237:6 hang 177:12, 14 222:5 299:17 HANSEL 171:4, 5 172:6 173:7 174:16 180:19 193:17 194:14 195:3, 8 207:13 231:15 234:8 236:10 241:4, 10, 13, 15 245:7, 10, 11 247:19 255:15 256:14 257:21 260:13, 16 262:10, 11 grounds 193:1 264:15 284:12, 14, 17 288:16 291:16, 20 293:16, 20 294:18 295:5, 11 310:7 314:6, 8, 12, 20 315:2 happen 176:4, 7, 13 204:17 205:5 214:5 happened 175:14 184:1 185:7, 21 186:3, 8, 16 188:9 189:14, 17, 21 190:1, 18 191:7, 13 192:11 204:10 207:8, 16 208:1 228:15 233:16 247:5 251:3
---	---	---	--	--

266:7 272:9	hire 261:18	172:2 317:3	instance 220:14	investigators
277:16, 20	hired 261:7	illicit 291:5	instigated 299:4	179:14
278:7 287:7, 10	Hispanic 218:2	imagine 215:2	instructor	involve 227:4
292:20 296:15	history 263:11, 17, 21 268:19	imagining 191:7	193:12 197:19	273:21
hard 283:13	271:14, 19	immediately	Integration	involved 183:8
284:16	272:7, 10, 11	254:12	194:4 196:21	241:1 253:19
Harner 244:9	274:18 278:21	Impartial	intended 183:3	257:17 267:4
Hatcher 309:9, 10, 21 312:17	289:19	194:3 196:16	intent 303:20	276:21 289:20
313:5	hit 252:18	197:6, 11 201:1	intention 273:11	involvement
Hatcher's 309:19	holding 283:20	impropriety	196:20	203:11
heading 207:3	holster 181:1	311:21	involves 246:11	293:1
hear 191:13, 16, 17 208:16, 18, 20 233:3, 4	home 175:16, 17 185:4	incident 179:14	involving	275:11 277:1
248:1	265:19, 20	185:21 186:1, 4, 9, 16, 17 188:9	277:19 278:4	282:16 283:20
heard 173:15	266:1, 8, 10, 11, 14, 16 267:2, 11	203:11, 18	interactions	284:4
191:10, 19	268:16 269:6	204:10 205:4	175:15 215:3	irrelevant
214:10 300:11, 16 308:19	287:4	208:6, 13	194:20	194:20
309:3, 5	honest 266:3	213:19 249:3	issue 214:15	227:18 246:11
hearing 189:12, 14, 16 190:1	hoodie 181:17	296:5 297:20	256:7 291:20	256:7 291:20
191:2, 15	hope 272:8	incidents 219:7	308:17	308:17
192:15 201:12, 13 202:7, 10, 11, 12, 13, 14, 18, 20	house 175:18, 19 177:13, 15, 17 179:5 185:1	include 209:5	issued 192:17	311:13, 18, 20
203:4, 8, 19	192:21 207:20	241:6	issues 191:9	312:10
206:10, 13	283:12 287:14, 17, 19 289:1	includes 269:1	203:11 219:2	items 257:2
221:20 262:21	Howard 283:19	272:8 291:5, 6	311:13, 18, 20	
286:2, 6, 12, 18	306:19 307:2, 9	including	312:10	
296:6 301:10	308:6	271:18	< J >	
hearings 203:6	Hudson 270:4, 9	INDEX 172:1	Janice 278:12	
246:16	273:21	individual	282:15	
Helaine 192:18	274:13	308:11 309:7	interrupt	
193:2	hundred 188:5	individuals	jaw 219:13	
held 170:13	216:14 247:2, 7	308:15 309:11	222:15 242:5	
180:14 181:11	hung 222:3	312:20, 21	249:11 268:6	
241:11 293:19	hypothetical	information	276:9 277:1, 4	
he'll 184:6	304:18 307:21	173:14 210:15	JAWONE	
Hello 258:7	< I >	286:19 295:18	170:4 203:4, 19	
help 179:8, 10, 12	ID 225:11, 17	307:5	204:10, 18	
Henry 225:16	idea 174:5	ingested 290:21	242:7	
high 281:6, 7, 14 290:20	175:6 259:5	Inheritance	jeopardy 302:17	
292:8	identified 270:6	227:16, 18	job 198:11	
higher 258:3	identify 210:6	228:1, 15	312:1	
	identifying	246:14 266:16	jog 242:15	
	210:2	injuries 290:13	Jon 276:10	
	II 170:1, 11	injury 291:19	277:5	
		inquiry 291:13	J-O-N 277:5	
		in-service	judge 189:20	
		197:19	190:2, 6, 10, 17	
		Instagram	191:3, 4 192:4,	
		223:18, 19		

6, 7 201:19	know 186:13, 21 191:8 202:4, 14, 15, 16 209:19, 21 211:7 214:18, 20 215:19 218:12 219:1, 4 220:13, 17 221:4, 5, 16, 19 222:1, 2 231:5 233:1 234:10, 16 235:2 239:10 240:2, 16 241:19 243:1, 14 254:16 256:5 259:7, 10 260:6 265:5, 18 269:15 272:2, 3 274:7, 19, 20 276:1, 2, 3 283:17, 18 285:11 287:9 288:9 295:13, 20 297:21 298:14 307:20 310:4, 8 312:13, 19	231:19 242:7 243:20 258:13 259:3 270:3, 9 278:16 295:21 297:1	lawsuits 226:11 240:21 241:17 242:1, 9, 12, 20 243:4, 11 249:15 252:12 253:20 267:18 268:5 271:13	lawyer 188:17, 18, 19, 20 189:1 204:1 206:7 207:14 209:19 211:3 222:15, 16, 17, 18 223:1, 4 233:5 236:4, 5, 14, 18 261:18 270:16 276:12, 13	lawyers 204:7 276:19	lawyer's 211:4	LCS 257:7 258:19 259:7	learn 214:1	learned 213:21 222:8, 9	leave 287:15 289:1 313:8, 17, 21 314:2	left 196:21 229:12 246:18 285:15	leg 182:3, 6	legal 180:11 256:6 280:5 291:5, 9 308:2	legally 271:5	legislative 202:19	lesson 194:2 196:4	letter 209:11, 12, 18 211:12	level 200:2	levy 244:21 245:2 247:16 260:12	Lewis 270:16 271:8	license 261:10, 16 262:5, 6, 16	licensed 174:9 261:12	Liebrecht 170:15, 21 318:2, 17	lien 275:12 276:3, 6	life 272:12, 13 280:20 308:17	Light 171:14	limitation 214:16 221:8	line 174:14 194:18 236:9 257:20	lines 273:20	LinkedIn 224:2	list 241:21 272:18, 20 273:11, 16	listed 201:2 244:14 245:16 257:10 259:13 261:1 270:5, 15	lot 178:10 191:7 199:15 200:1, 2 212:14 272:3	low 180:14	lying 296:2, 7	< M >	Madam 314:13	mail 188:14, 15	main 243:21 244:3	majority 245:17 246:5, 10 251:17	making 238:14	male 187:9, 10 189:7 206:17 212:15, 16, 17 217:15	malice 250:15						
judgment 231:7 244:1 245:18, 20 246:6, 9 282:17	July 244:13 318:15	jump 174:12	June 170:14 172:3 197:14 220:19 221:2 222:6	Junior 290:20 292:8 293:3, 5	justified 199:7, 11	justify 199:12, 16, 18	< K >	K8 248:7	karate 200:18	Karim 283:19	keep 230:14 236:21 237:11, 12 266:16 271:21 286:19	kept 176:10, 11 210:13 266:13	kid 252:19 253:3	kind 176:1 179:9, 11 186:20, 21 202:12 210:10 248:5 274:18 286:19 291:12 295:21	knew 222:7 250:16 286:17 287:1	knife 200:1, 15 303:8, 12, 15, 16, 17 308:1, 3	< L >	language 299:4, 6, 9	late 234:20	Latino 218:13	Law 171:5	lesson 194:2 196:4	letter 209:11, 12, 18 211:12	level 200:2	levy 244:21 245:2 247:16 260:12	Lewis 270:16 271:8	license 261:10, 16 262:5, 6, 16	licensed 174:9 261:12	Liebrecht 170:15, 21 318:2, 17	lien 275:12 276:3, 6	life 272:12, 13 280:20 308:17	Light 171:14	limitation 214:16 221:8	line 174:14 194:18 236:9 257:20	lines 273:20	LinkedIn 224:2	list 241:21 272:18, 20 273:11, 16	listed 201:2 244:14 245:16 257:10 259:13 261:1 270:5, 15	lot 178:10 191:7 199:15 200:1, 2 212:14 272:3	low 180:14	lying 296:2, 7	< M >	Madam 314:13	mail 188:14, 15	main 243:21 244:3	majority 245:17 246:5, 10 251:17	making 238:14	male 187:9, 10 189:7 206:17 212:15, 16, 17 217:15	malice 250:15

man 198:10 206:9 208:1 218:9 277:4 managed 290:3 292:14 manner 215:5 man's 222:14 242:5 276:9 March 277:7 287:13, 15, 18 marijuana 290:17 291:1 292:8 Marlboro 265:3, 7, 9, 11 married 230:18, 19 270:19 Marsden 261:7 MARYLAND 170:3, 7 171:7, 15 173:20 243:19 256:17 257:1 259:14 260:11 275:6, 11 293:1 294:1 317:2 318:1, 3 materials 195:1 maternal 228:5 229:8 matter 201:2, 7 203:1 264:7 312:11 Maurice 184:21 mean 175:19 177:7, 9 187:20 190:4 203:15 205:10 211:20 215:18 218:7 238:5 253:7, 8 254:20 256:1, 5 262:9 279:16 285:11 293:18 310:13, 17 meaning 218:13 225:16 231:17 253:9 means 254:20 272:11 meant 204:6 media 223:9	medications 290:7 291:21 members 175:12 memory 242:16 290:8, 11, 14 292:9 296:13 men 175:11 183:3 200:4, 14, 18 mental 291:19 mention 263:2 267:5 271:15 274:16 275:21 279:1 288:2 289:17 mentioned 249:13 252:15 269:5 276:8 301:18 methods 198:1 Michael 276:12 mid 234:19, 21 Milan 270:16 271:8 mind 176:6 252:15 Mine 237:20 238:2 272:11 314:20 minor 234:1 235:17, 21 239:2, 12, 17, 20 240:5 281:14 minute 242:3 254:21 274:17 286:5 304:8 minutes 294:20 307:13 miscarriage 190:7, 14, 18 191:5 192:10 mischaracterizat ion 196:19 294:11 misspoken 262:13 mixed 234:11 model 240:8	mom 190:3 281:20 moment 181:8 301:13, 14, 16, 17, 21 302:13, 17 313:13, 17 Money 227:5, 12, 13 228:17 229:3, 12, 16 230:2, 7, 14 231:2, 17, 18, 19, 21 232:4, 7, 10, 14, 15 233:2, 17, 18 235:20 236:1, 13, 16, 19 237:4, 7, 9, 11, 12, 13, 14, 16 238:6, 10, 12, 17, 21 240:3 247:3, 9 250:13 252:1, 5 266:16, 17 Michael 276:12 mid 234:19, 21 Milan 270:16 271:8 mind 176:6 252:15 Mine 237:20 238:2 272:11 314:20 minor 234:1 235:17, 21 239:2, 12, 17, 20 240:5 281:14 minute 242:3 254:21 274:17 286:5 304:8 minutes 294:20 307:13 miscarriage 190:7, 14, 18 191:5 192:10 mischaracterizat ion 196:19 294:11 misspoken 262:13 mixed 234:11 model 240:8	190:3 193:7 203:4, 19 204:11, 18 205:3 242:7 249:3, 4, 13 277:19 278:1, 4 309:12 311:11, 15 312:13 313:4 317:2 Nicholson's 313:1 nicknames 226:1, 7 North 171:6 224:14, 19 Northern 177:4 notarial 318:14 Notary 170:15 318:2, 18 notice 209:3, 6, 9 251:10 298:9 noticed 197:13 298:5 303:8 notices 285:9 notify 211:12 November 285:20 286:9 number 225:11, 12, 15, 17, 19 269:20 numbers 274:11 284:16	< O > oath 255:16 object 174:13 Neither 200:4, 14 nervous 305:17 Never 181:10 192:21 231:6 251:9, 11 254:12, 17 Nichols 205:15 NICHOLSON 170:4 189:21	192:11 193:6 194:18 204:3 245:6 291:10 297:13 objection 174:17 178:20 180:10, 16 181:14, 21 182:7, 15, 20 183:10, 18 184:2 186:5, 10 187:18 195:4, 17 196:7, 18 197:7 198:12 199:13, 20
---	--	---	---	--	--

200:6, 11 201:8	October 292:21	212:8, 15, 18	once 177:21	owner 173:14
202:1 203:12	office 211:4	213:5, 8, 16	181:20 230:19	288:18
204:19 205:7	Officer 173:8	214:8, 11, 14	308:18	<P>
206:1 207:10	174:20 180:15	217:13 218:5,	ones 242:10, 14	P.C 171:5, 13
209:15 211:9	187:7 190:4	14 219:1, 11	252:14, 15	p.m 315:5
215:9, 14, 20	194:10 195:6, 9,	220:8, 18	253:1 272:21	pace 300:15
216:4, 10, 17	10 207:2, 3, 5, 8	221:11 223:9	273:5 289:3	Page 172:5
217:2, 9, 20	212:10, 11, 18	225:3, 15 226:1	one-year	190:16 199:3
218:10 219:8	217:5, 15, 18	227:3, 11, 17	214:16 215:12	247:10 316:20
220:9 222:11,	219:2, 5, 10	228:6, 9, 14	221:8	PAGE/LINE
20 223:6, 11, 15,	224:10 241:16	229:1, 4, 14, 17,	ongoing 296:19	317:4
20 224:3, 16	245:12 254:18	20 232:1, 4, 10	online 273:16	paid 188:21
225:7 226:4	262:12 276:16,	234:19 235:5,	open 179:16	224:6 261:21
227:8, 15, 19	20 295:5	15 236:18	opinion 244:8,	262:14 263:1
228:3, 11, 16, 20	296:11, 12	237:3, 21 238:3,	19, 20 245:12	278:3 279:8, 17,
229:2, 5, 10, 15	303:2, 4 306:13	12, 19 239:8, 11,	308:6	19 280:14
230:4, 10, 16, 21	307:14, 18	16, 20 240:14,	opportunity	paper 214:6
231:4, 11	308:10 310:14	21 242:3, 11	209:7 295:7	221:5 271:5
232:12, 19	officers 175:13	243:11, 17, 21	303:19	285:15 316:20
233:6, 11, 20	178:16, 18	246:2, 13 247:7	option 199:5	papers 233:9
234:3 235:10,	196:6, 11, 16	248:7, 21 249:2,	order 188:11,	285:3, 5, 8, 9, 10
14, 18 236:2, 7,	197:5, 11, 17	5, 7, 18 250:20	13, 16, 17, 21	Parkway 177:4
8 245:3, 5	198:7 211:17	251:17, 21	189:1, 12 191:2,	part 189:18
247:17, 18	officer's 187:5	252:16 253:11,	11, 12 192:17	198:15 220:17
252:3, 9 255:13	217:6	13, 19 254:4	193:2 201:11,	231:14 247:6
257:18, 20	oh 190:20	256:1, 6 258:16	13, 16 202:7	participants
260:10, 12, 14	220:17 228:5	259:3, 12, 18	203:4, 7, 10, 19	193:8
264:2, 10, 20	257:13	260:19 261:5,	204:15 205:5	particular
266:18 267:7,	Okay 175:6, 9,	12 262:19	206:10 296:6	215:17 242:15
13, 21 279:14	17 176:2, 5, 9	265:2, 5, 15	314:15	parties 299:3
283:7, 15 288:5,	177:2, 10, 19	266:5, 7 267:10,	ordered 260:1,	318:12
13 289:7, 12	178:1, 8 179:11	17 269:4, 19	6	ordinarily 180:8
290:4, 18 291:2	180:1, 13 181:8,	270:12, 15	ordinary 209:5	party 226:12,
292:10, 16	12 182:4, 11	271:17 273:6,	original 229:12	14, 21 241:18
294:4, 10, 15	183:2, 5 184:5	18 274:6, 21	233:14 239:4, 5,	242:1, 6, 8, 12,
objections	185:5, 8, 9	275:9 278:6, 15,	6 288:18	21 243:4
245:1 289:8	186:3, 8, 19	19 280:2, 5, 20	outcome	249:16 252:12
obligation	187:3, 11, 13	281:16, 19	219:19 220:3	259:13 267:18
280:13	188:4, 8, 12, 19	282:5, 15 283:2	221:20 287:5, 8	268:5, 21 269:9
observation	189:8 190:14,	284:14, 21	318:13	271:13, 20
183:6	17 191:18	285:11, 17	outside 177:10,	272:16 278:16,
obvious 210:11,	192:2 193:17	286:8, 12, 15	19 265:10	21 283:6 288:4
19	194:9 197:4, 16	287:7, 11 290:7,	overdue 205:12	299:3 310:8
obviously	198:1, 6 200:14,	21 293:13, 16	overtime 224:19	pass 192:21
195:11, 13	17 201:16	294:18 295:1	overwhelmed	235:1
204:4 210:9	202:21 203:3,	301:7 304:13	305:3	passed 227:21
224:6 242:6	17 205:17, 20	306:16	overwhelming	236:15 288:18
245:8 254:15	206:4 207:5	old 247:2	245:17 246:5	passenger
occasion 202:9	208:6, 12 209:1,	281:10 306:2	owed 239:8	253:12
	12 210:9 211:2			

paternity 279:4	pickup 248:17, 18 249:4	Policing 194:3 196:17, 21 197:6, 12 201:2	PROCEEDINGS 173:1 191:8 243:18 251:3, 6	220:6
pattern 300:18	piece 316:20	politeness 300:1	position 271:20 272:15	punitive 251:18
pay 220:2	pistol 199:6	Possibility 275:20 278:21	275:20 278:21	purchase 174:8
222:18 224:20	place 287:13	possible 283:4 285:18	283:4 285:18	purchased 173:18, 21
260:1, 6 270:13	291:17 299:16, 19 318:5	potential 287:20 288:3	287:20 288:3	purchaser 173:16
271:15, 18	placed 259:19	potentially 292:15 318:10	292:15 318:10	purposes 304:14
274:8, 13	Plaintiff 170:5	process 209:5	process 209:5	put 178:6
275:15 276:6	171:3 250:12	produce 207:17	produce 207:17	181:18 182:4, 5, 9 234:6 256:21
paying 251:21	298:14 299:2	produced 194:12, 20	produced 194:12, 20	
252:7 279:12	plan 194:2	powers 245:4	powers 245:4	< Q >
pays 279:18	196:4 308:18	prepare 195:9	prepare 195:9	quell 304:21
PBJ 261:7	plea 262:15	prepared 194:9	prepared 194:9	quelled 303:18
PDF 314:20	263:1	prescribed 195:6, 15	prescribed 195:1	question 223:3
peace 188:11, 12, 16, 17 189:1, 11 191:2, 11, 12	plead 262:5	291:6, 7	profane 231:14 233:15	231:14 233:15
192:17 193:2	Please 180:19	prescription 291:21	245:6, 9 272:1, 6 288:6, 10	245:6, 9 272:1, 6 288:6, 10
201:11, 13, 16	314:18, 21	prescriptions 291:6	progress 289:18 291:15	289:18 291:15
202:7 203:4, 7, 10, 19 204:15	pled 262:3	PRESENT 291:6	property 292:2 314:6	292:2 314:6
205:5 206:10	plenty 288:19	171:20 206:7	questioning 173:11 174:14	questioning 173:11 174:14
296:6 299:12	pocket 181:2, 4, 5, 7, 9, 10, 12, 16	251:12 283:5	194:19 236:9	194:19 236:9
pendency 197:12	182:2, 9 304:5	pretty 206:5	257:20 308:16	257:20 308:16
Pennsylvania 265:3, 8, 13	312:18 313:2	208:21 215:2, 3, 12 239:15	proportionate 199:5	questions 174:15 183:14
people 178:8, 11 212:2 241:6	point 181:1	255:17	proportionately 291:13 311:7	191:21 192:3, 4
291:18 298:4	195:16 199:6	previously 226:2	protect 204:6 264:12, 13 267:19	204:6 264:12, 13 267:19
percent 188:6	210:21 273:18	prior 222:9	provide 295:8, 10 298:1, 2 314:5	174:15 183:14
216:14	291:11 299:10	292:3	Quick 300:15	191:21 192:3, 4
person 187:11	300:5, 9 304:4	private 305:7, 8	quickly 309:6	204:6 264:12, 13 267:19
191:3 200:2	309:15 313:17	308:11	quite 272:10	295:8, 10 298:1, 2 314:5
218:18 219:1	pointed 181:11	Probable 296:3, 4	quote 309:14	Quick 300:15
270:5 301:18	302:5, 7 304:10	Probably 212:6	310:12	quickly 309:6
303:4, 9, 12	309:13	218:15 221:2	quotes 249:19	quite 272:10
306:1 308:1	Pointing 180:12 199:16	234:21 240:6	quoting 250:4	quote 309:14
310:1 314:9	police 173:12	263:18 267:1	< R >	310:12
personally 318:4	175:12 179:1, 7	307:19	radio 173:15	quotes 249:19
person's 305:7	180:9 183:9, 17	problem 236:10 241:4	raise 305:18	quoting 250:4
pertains 311:21	185:16 188:21	245:10 247:19	pulled 182:2, 9, 12 183:2 188:5	< R >
Peter 276:13	193:8, 11 196:5, 11, 15, 16 197:4, 17 198:6	260:13, 14	257:1 267:5	radio 173:15
phone 221:1	209:21 224:10	proceeding 189:2 194:17	pulling 270:3	raise 305:18
photographs 207:21	225:5 254:18	269:1 289:19	276:9	raised 260:18
physical 280:6	307:2, 9, 18	295:14 296:10	punishment 175:7 222:5, 6	309:16, 18, 19, 20
physically 177:2	308:7 310:12, 14 312:21			RAM 249:6, 8
pick 306:17	Policies 197:21			ran 173:12

Randallstown	record	189:16	245:5 247:18	replaying	reveal
265:21 266:1	195:4	234:7	257:19 260:10	176:11	301:20
range	221:3	241:5, 11, 13	relevant	report	302:3
rate	266:12	293:19 294:19	192:3	176:15	reverse
read	214:5, 6	316:5 318:10	243:1, 3 244:11	179:19, 20	251:9
314:18 316:3	recorded	206:4,	reliance	180:2, 9 183:7	reviewed
317:4	5	282:17	245:3	REPORTED	295:15
reading	221:4	297:11 318:9	rely	170:20 173:13	right
ready	180:14	recording	195:2	220:21	175:9
236:12	191:9, 10, 16, 17	191:9, 10, 16, 17	relying	reporter	176:14 177:5
real	221:6	221:6	194:17	241:7,	178:3 179:6
really	178:14	recover	remaining	9 262:8, 18	180:15 181:3, 9,
185:11 192:12	185:11	307:8	291:20	13 182:6, 11, 14,	13
210:13, 15	196:20	refer	remarkable	19 183:3, 9, 17	182:6
240:11 266:3, 4	256:3	209:19	291:18	186:15 187:15	183:3
reason	192:5	217:14	remember	293:17 295:3	188:2, 6 189:2,
235:20 267:6, 9	196:20	reference	311:15 314:13,	12 193:12, 13,	12
268:13 274:15	256:3	192:16	17 315:4	17 195:21	17
275:20 291:14	258:12	205:14	reports	196:1, 3, 4, 17	196:1
303:20 317:4	211:16	referring	296:5	197:12, 14	197:12
reasonable	211:16	205:14	repossessed	198:8, 10	198:8
198:17 199:1	211:16	refers	283:12	201:17, 21	201:17
291:12 302:19	213:11	245:20	reprehensible	203:21 206:12,	203:21
310:18 311:4	213:11	refresh	250:1, 7	15, 18, 19 207:1	206:12
rebuffed	213:11	246:17	represent	208:14 209:14	207:1
recall	213:13	refreshed	189:1	210:2, 6, 10, 18,	208:14
192:14 201:12,	296:13	246:17	274:6	21 211:7	209:14
14, 15 202:21	refused	246:17	represented	222:15 276:12,	215:13, 19
221:12 222:16	237:4	314:2	13	216:20 217:16,	216:20
268:4 273:3, 6	regardless	253:2 254:1, 3,	reprimand	19 218:16	217:16
292:19 293:9	302:10	16 255:4, 7, 8,	220:7, 16	221:15 223:1, 3,	221:15
294:12 306:10	registered	14, 21 256:12	reprimands	5 224:7 225:10,	223:1
receive	175:7	258:20, 21	220:11	20 227:1	223:1
220:6, 11 260:4	related	261:14 263:4	request	228:18 229:9,	223:1
received	185:21	264:4, 5, 18	193:6	14, 21 230:3, 15	229:9
18, 20 209:11,	186:17	266:3, 4 267:19	241:3 257:19	231:3, 9, 16	230:3
18 212:1	204:16	268:2, 8 269:11,	285:12	232:2, 7, 8, 11	232:2
232:14, 15	213:18	291:14 292:3	requested	194:15 195:2, 3	233:5, 9, 14
306:13	219:7	311:7	180:8	235:9, 13 237:4	233:5
receiving	relation	272:3, 19 275:1	require	238:4, 8, 10, 14	235:9
186:15	186:4,	relates	195:1	238:4, 8, 10, 14	236:1
recess	9 188:9	245:18	required	239:14 240:1,	236:1
241:12	Relevance	246:5	310:19	10 242:13	237:1
295:4	218:11 223:7	relation	resolve	243:7 244:2, 4,	237:1
recognize	224:16 228:11	186:4,	199:5	6, 11, 20 245:13,	238:4
174:16 244:10,	230:4, 11	9 188:9	rest	15, 21 246:8, 11	238:4
19 245:12	235:10 245:4	Relevance	175:21	247:10 248:3, 6,	238:4
247:11 257:21	290:19 292:10,	218:11 223:7	renew	8, 17 251:3	238:4
260:13 309:7	17 294:5, 11, 16	224:16 228:11	260:10	252:2, 7, 8	238:4
recollection	174:14 225:7	230:4, 11	rent	253:13, 17	238:4
191:2 246:17	227:8 233:20	235:10 245:4	270:13	256:14, 16, 21	238:4
	234:4 236:8	290:19 292:10,	repeating	257:17 258:1,	238:4
		17 294:5, 11, 16	257:1	14 260:1, 3	238:4
		174:14 225:7	repeatedly	261:16, 19	238:4
		227:8 233:20	268:9	262:1, 5 263:13,	238:4
		234:4 236:8	repeating		

19, 20 264:9 265:2, 10 266:21 267:3 269:7, 13, 19 271:3, 21 273:10, 15, 16 274:15 275:4 276:17 277:17, 21 278:2, 4, 16 279:20, 21 280:7, 13 281:8, 17, 20 282:2, 7, 15, 18, 21 285:4, 8, 11, 18 286:10, 13, 18 287:2, 5, 8, 13 293:14, 21 294:18 299:14 300:9, 12 301:17 303:18 304:2 314:10 Ring 213:17 rise 219:14 Road 269:20 270:1 284:1 293:6 roast 177:21 178:3, 4, 5, 7 179:3 rough 174:5 roughly 229:21 230:1 277:12 RPR 170:21 318:17 rude 300:3 rule 239:8 ruled 192:4 221:7 Rules 194:21 209:14 220:15 rulings 250:21 run 193:6 running 306:5 308:19 309:3, 7 runs 192:21 <S> safety 302:14, 17 salary 224:10, 14	satisfaction 264:12 saw 182:18 183:15 191:18 202:6 308:2 saying 179:10 205:4 209:18, 21 212:2 230:12, 14 261:17 268:3 says 194:9 199:11 221:11 244:11 245:15, 17 246:1, 3, 14 247:1, 11 255:15 257:14 261:6, 11 262:2 270:4, 12, 14 277:10 280:5 284:7 285:12 286:11 287:11 293:3, 10 scared 301:1 scenario 304:15 306:13 scene 301:21 312:21 scheduled 287:2 school 281:6, 8, 15 scope 291:12 screen 193:20 244:5 256:15 257:3 scroll 258:2 seal 318:14 search 244:7 256:16, 17 257:1 258:13 260:11 261:3 273:16 second 193:18 256:15 secret 286:19 see 177:10 181:19 183:3, 6 184:6 187:2 193:11, 20 194:2, 5, 11 198:4, 18 199:9	10 201:4, 5 210:21 241:5 244:4, 15 249:21 250:2, 8, 9, 18, 19 251:19, 20 256:11 257:3, 8, 9, 12 261:4 269:11 273:15, 16 274:2, 3, 10, 14 275:8, 13, 14, 17, 18 278:13 283:10, 13, 21 284:2, 9, 10 285:21 286:5, 7 293:2 298:4 306:16 313:1 seeing 242:17 296:13 seeking 244:1 seen 177:19 191:10 195:11 203:3, 7 send 178:16, 18, 19 179:1, 7, 13 188:17 211:11 sentence 190:9 separate 220:4 246:20 312:10 September 318:20 sequence 225:11, 15 sergeant 176:18 177:9 211:13 search 244:7 256:16, 17 257:1 258:13 260:11 261:3 273:16 second 193:18 256:15 secret 286:19 see 177:10 181:19 183:3, 6 184:6 187:2 193:11, 20 194:2, 5, 11 198:4, 18 199:9	seven 273:19 274:4, 10, 12 278:20 288:6 sgoldberg@bake rdonelson.com 171:17 Sgt 176:18, 20 177:5 178:13 179:6 183:21 184:1, 10, 14 185:13 213:7, 8 Sharae 244:12 270:4 share 193:19, 21 244:4 256:15 Sheehan 276:14 Sheet 316:8, 19 317:1 sheriff 285:12, 13, 14 shirt 193:12 196:3 Shoot 188:20 short 189:7 shot 206:18 show 275:5 276:9 showed 175:12 190:16 showing 244:6 shows 250:14 sic 205:16 side 181:11 182:3, 5, 10 233:4 sight 300:8 sign 305:6 314:18 simply 217:14 single 245:18 246:5 310:13 314:6 sir 173:17 175:8 183:13 settled 219:13 220:2 232:21 277:12, 16, 20 settlement 277:10 278:2, 3	242:17 244:6, 17 247:15 251:1, 4 253:18 254:10 255:10, 11 257:8 258:1, 8 260:18, 20 264:7, 17 267:20 268:8, 12, 18 271:7 272:7, 13 273:11, 18 274:6 275:5, 8, 17 276:4, 7 281:13 284:2, 9 285:6 287:18 288:10 289:3, 9, 16 290:2, 9, 12, 15 305:1 312:4, 6, 8 sister 313:1 sitting 238:12 situation 176:1 203:2 303:17 304:1 306:4 307:20 310:21 situations 198:8 six 273:19 274:16 size 298:13 301:2, 8, 9 304:21 306:1 skill 200:2 skills 200:18 303:17 304:20 skirmish 303:5 sleep 176:11 small 189:10 314:14, 19 smaller 189:7 Smith 176:19, 20 177:5 178:13 179:6 183:21 184:1, 10, 14 185:13 213:7, 8 smoked 290:16 social 223:9 sole 280:5 somebody 283:13
--	---	--	---	---

somebody's	specifically	STENOGRAPH	21 230:12	talking 232:2
219:13	195:1 205:3	ICALLY	236:10 241:4,	254:9 263:9
son 192:1	231:13	170:20 318:9	20 242:2, 16	274:20 305:12
226:16, 17, 19,	speculating	step 173:11	243:2 245:7	taught 310:14
20 227:7, 10, 13	256:11	Stepping 175:9	254:9, 19 255:8	tax 275:11
228:1 229:8	speculation	stole 259:16	257:21 258:3	276:3, 6
230:9 231:3, 8,	182:21 183:19	stood 305:2	263:8 272:5	taxes 275:16
19, 20 232:8	215:15	stop 304:1	287:4 295:11	Taylor 276:13
234:8, 13 235:5,	spend 238:19	stopped 308:11,	304:8 315:4	teach 310:12
16 237:1 239:2,	239:13, 16	15	surly 300:2	techniques
12, 20 241:17	240:17 266:15	straight 182:3	Susan 170:15,	198:1
242:6 244:2	spending 250:14	302:9	21 318:2, 17	Telephone
245:21 246:6,	spent 238:9, 18	Street 171:6, 14	suspect 199:21	171:8, 16
10, 11, 18 247:1	240:2 267:2	192:20 253:10	suspended	telephoned
249:12 250:5,	282:1, 6	266:1	261:10, 13, 16	220:21
12 252:1	spoken 263:12,	struck 253:11	262:4, 6, 7, 16	tell 173:5
258:15, 18	14, 15 301:4	STUART	sweat 187:14	175:14 176:5
268:6 270:17,	sport 248:6	171:12	sworn 173:4	178:3, 10, 12
20 271:9 279:5	Sr 244:12	student 253:5	318:6	179:8, 16, 19
280:6, 15 293:4,	278:11, 18	students 199:4		184:19 185:5,
7	282:16	stuff 210:14		13, 17 186:3, 8,
sons 270:18, 20	SS 318:1	subject 199:7,		19 188:8, 16
271:4	stabbing 303:19	18 201:2, 6		189:14, 16, 19,
son's 230:20	stand 188:4	202:21		21 190:1, 15, 18
232:11 233:18	216:14 292:5	submit 207:19		191:18 193:11
234:2, 6 266:15	standard 198:20	sue 227:7, 13		197:20 200:20
soon 281:19	stands 274:7	228:14, 18		202:6 207:13
sorry 179:4	start 187:16	254:13 260:2		212:9 213:8
183:13 184:13	227:7 255:2	287:12 297:19		215:1 216:8, 20
190:12 193:15	298:20 300:6	315:3		217:5, 7 223:9
226:17 230:20	starting 204:15	sued 222:14		226:19 227:3
278:11 280:11	STATE 170:7	227:6, 10		228:15 241:17
284:12 293:7	173:19 246:16	258:18 259:18		242:19 252:17
296:5 311:15,	255:6 259:14	270:13		253:4, 8 259:4,
16	275:11 293:1	suit 254:2		15 261:6
sound 234:10	294:3, 8 317:2	279:4 310:5, 9		263:20 264:5,
sounding 218:3	318:1, 3	Sun 214:4		18 266:7
sounds 217:18	statement	220:18, 21		267:10 268:13
south 218:8	205:20 206:4	221:9 222:4, 7,		289:16 292:19
Spain 218:9	296:3, 4 297:11	8		303:14 313:4, 7,
Spanish 217:11,	statements	support 279:7,		11, 12, 16
19 218:2, 4, 7,	250:11	8, 12, 17, 18, 20		telling 181:18
12, 13	STATES 170:2	280:12		218:8 239:11
speak 176:17	243:18	supposed		279:11, 13
221:10 245:1	stationed	232:16, 17		283:18
295:7 314:9	176:20	257:15		temporarily
speaking 299:1	status 296:19	Sure 174:4, 16		307:9
301:2 314:10	stay 202:3, 4	186:12 187:6,		ten 235:6
special 200:18	Stealing 312:3,	14 202:13		288:2
specific 202:15	5, 7	207:17 211:13		
		217:1 218:20,		
		217:1 218:20,		

tenant 283:20	198:10, 14	237:17 241:3	transcripts	types 199:17
term 225:11	201:13 202:10	247:9 248:16,	246:16	209:7
testified 173:6	206:3, 6, 20	20 249:3	Tremmell	<U>
231:12 255:14	208:8 214:6	251:13, 14	260:21 278:11,	U.S 244:9
294:12 296:9	228:13, 17	253:14 254:11	18	Uh-huh 194:6
297:21 298:19	231:12, 13, 15	263:7 272:5, 9	Trespassing	244:16 248:13
299:15 300:11,	234:15 236:19	288:7 290:16,	305:6	ultimately
21 310:11	242:2, 3 243:20	21 294:19	trial 209:7	201:16
testimony	248:18, 19	295:6 296:20	284:7, 18 285:1	understand
202:19 294:9,	249:5, 7, 10	297:2 304:9	287:1	191:1 233:15
11, 14 298:3	254:2, 20	306:9 309:8	tricked 309:2	234:6 236:21
301:7 311:12	255:17 258:18	314:15 318:5	tried 191:21	264:16 272:8
316:5	264:11 270:2	timeline 210:20	279:20	understanding
Texas 218:8	272:1 278:20	timely 215:5	truck 248:17,	214:11, 16
text 244:7	288:6 291:17	times 278:20	18 249:4	232:18 308:14
thank 173:8	300:18 303:3	288:2, 6	252:18	understood
174:18 234:9	304:20 306:1	timing 276:20	true 246:4	201:17 301:9
241:9 260:15	308:6, 8, 19	today 173:9	316:5 318:10	unit 212:20
262:18 284:16	311:11 314:15	183:13 204:11	trust 237:1	213:2
295:1, 2, 3, 5	thinking	205:6 216:14	truth 173:5, 6	UNITED 170:2
310:9 314:12	176:11, 12	273:13 295:6	264:7	243:18
315:2, 3, 4	256:9 309:3	296:15	try 251:21	unnecessary
Thanks 207:15	Thomas 176:18,	told 180:14	252:7	264:14
236:11 247:20	20 179:6	182:11 183:16	trying 182:14	unquote 310:12
Thaxton	thought 218:4,	201:12, 14	210:19 218:5	Upper 265:3, 7,
276:10, 12	9, 20 246:9, 13	204:7 207:6	233:15 242:18	9, 11
277:5	299:13 307:16	208:2 209:1	245:1 256:11	use 173:9
T-H-A-X-T-O-N	308:3, 7, 8	214:21 231:7	264:15 266:16	179:20 180:2, 6,
276:11 277:5	thoughts 176:5	246:9 247:3	tune 275:16	8, 12 194:3
theft 295:21	threat 201:20	251:8 264:6	turn 300:5	196:12, 14
theory 251:6	202:5	287:5 289:3, 21	turned 237:3, 6,	197:11 201:1
thing 185:7	three 208:9	313:15	10, 14 247:1, 8	237:1 292:3
186:16 189:19	240:6, 7, 17	tomorrow 184:6	298:19 302:2	316:20
204:13, 14	242:9, 13, 21	top 286:19	303:11, 21	<V>
213:9 264:4	243:5 270:20	total 224:20	vagueness 197:1	van 306:17
274:18	273:19 287:18	239:3 280:21	vast 246:10	vast 246:10
things 176:6	288:12 289:10	totaled 246:20	vehicle 176:3, 8	197:20
196:10 197:16,	290:1, 2 291:17	touch 250:13	255:7 256:2, 3,	209:17
20 198:2	292:14	traffic 261:2, 9	10 259:16	verbal 199:7
199:15 200:3	threw 220:20	263:7	305:15	298:21 299:4
209:8 272:1, 3,	thrust 311:8	train 197:20	vehicles 249:2	verbatim
4, 8 283:11, 14	Thursday	training 196:5,	209:11	209:17
288:19	170:13	11, 16 197:5, 10,	17 282:2 298:7	versus 244:7
think 174:21	time 173:8, 9	17 198:2, 7, 15	299:1, 3, 4	257:7 259:14
175:10 176:16	174:1 176:18	199:6 200:21	304:21 308:15	
180:14 182:12	185:1 192:7	306:12	type 179:19	
186:2 187:5	202:6 207:5	transcript	180:1 200:2	
188:1 190:17	208:1 214:13	191:11 249:21	202:10 256:6	
192:6, 7, 12	221:19, 21	316:4 318:9	269:1 271:20	
194:15 195:3	222:3 231:14			

265:16 269:13	288:20 303:17	289:15	world 189:10	281:1, 2, 17
270:4, 10	313:20	white 206:16, 17	263:11, 17, 21	282:2 306:2
273:21 275:6	wanting 256:12	Wife 184:16	268:19 271:7,	yell 305:20
276:11 278:12	Wary 257:10,	185:12 190:4	14, 19 272:8, 10	Yep 225:21
282:16 283:20	14	245:16 270:19	274:18 279:1	261:17 282:8
293:1	Watch 224:13	274:1 275:6	283:5 289:19	young 175:11
Video 207:21	way 174:15	283:21 286:12,	worried 176:1,	183:3 200:4, 14,
videoconference	181:19 183:14	18 287:4	3, 6 178:15	18
170:13	192:19 193:2	wife's 230:15	182:13 191:5	Yukon 248:19,
violated 220:15	237:17 238:9	271:4, 9	worry 187:13	21
violation 256:5	257:13, 15	willing 242:17,	Worth-A-Shot	
261:2 263:11,	258:5, 6, 9, 12	18	174:21 175:2, 3	<Z>
16 294:2, 8	278:1 280:14	withdraw 199:6	wrap 294:21	Zoom 170:13
violations	291:13 318:12	withdrew	write 232:17	202:8 203:6
209:13 220:8,	weapon 180:12	180:13	wrong 188:2	
13 264:1	199:12, 16, 19	within-named	192:6	
Virginia 254:8,	307:3 308:21	318:4	wrote 199:3	
13, 16 255:3, 6,	wearing 193:11	witness 173:4	<Y>	
9, 12, 20 256:7,	website 195:21	180:18 236:12	yard 193:4	
13	224:13	288:15 295:2	Yeah 179:1	
visual 300:8	week 174:4	296:10 310:4, 7	181:16 185:4	
voice 305:18	208:8, 9 215:1	317:3 318:4, 14	186:18 191:16	
VOLUME	weeks 208:7, 8,	witnesses	213:17 312:16	
170:1, 11 172:2	9		196:2 204:13	
317:3	Well 178:15	Wittstadt	206:3, 5 207:17	
vs 170:6 317:2	179:2 194:16	269:13, 16	209:11 215:17	
<W>	195:15 197:1	wondering	216:2 218:1, 4	
wages 282:20	211:7 215:4	221:15 247:21	221:13 226:6,	
283:2, 12	220:1 221:11	Woodlawn	15 228:13	
wait 216:7	223:5 231:7	265:21 266:2	229:16 236:13,	
242:3 286:5	233:5 236:15	word 196:21	17 240:13	
299:19	238:16 241:21	214:7	241:4, 21	
waited 214:15,	242:3 244:4	words 197:4	243:20 245:7	
18 215:7 216:3	250:12 252:5	200:9 209:4	246:19 247:12	
walk 300:6	254:11 264:15	214:14, 21	251:15, 20	
308:16	266:20 267:1	221:18 224:11	252:11 257:9,	
walked 304:6	270:19 276:5	225:4 246:8	14 258:3 259:2	
walking 300:17	286:5 291:16	253:8 262:3	262:6 263:18	
308:18 313:13	298:20 307:18,	273:6 294:7	264:4 267:17	
want 191:1	21 309:20	301:10	279:8, 10, 16	
193:18 212:16	went 175:16, 17,	work 177:11,	281:18 284:10	
234:5, 6 241:19	18 179:5 182:2	20 182:18	285:8 287:9	
272:1 276:9	186:7 189:11	184:12 186:7, 8	year 234:8, 13,	
288:9, 10	190:1, 20 217:1	189:10 218:18	16 235:3, 9	
297:19 303:16,	253:5, 7 275:3	251:14	261:3 277:12	
18	287:6	workers 243:8,	years 174:5	
wanted 182:13	we're 204:11	12 252:19	235:6, 7 247:2	
202:3 281:6	205:6 221:16	working 212:6,	279:9, 13	
	232:2 249:14	9	280:19, 21	
		works 218:16		